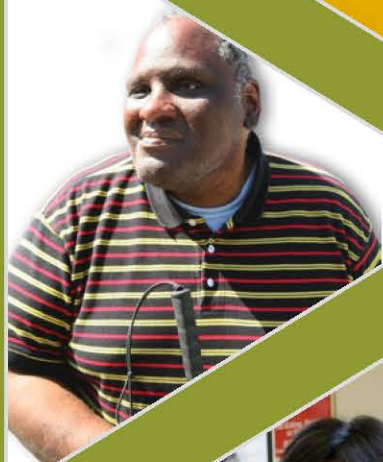



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BOSTON REGION —MPO— 2017 TRIENNIAL TITLE VI REPORT



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Boston Region MPO 2017 Triennial Title VI Report

Project Manager

Betsy Harvey

Project Principal

Lourenço Dantas

Data Analyst

Paul Reim

Graphics

Kim DeLauri

Ken Dumas

Cover Design

Kim DeLauri

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Central Transportation Planning Staff
Directed by the Boston Region Metropolitan Planning Organization. The MPO is composed of state and regional agencies and authorities, and local governments.

June 2017

CONTACT INFORMATION

The Boston Region Metropolitan Planning Organization (MPO) complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and other federal and state nondiscrimination statutes and regulations in all programs and activities. The MPO does not discriminate on the basis of race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, gender orientation, gender identity or expression, or military service.

Any individual who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related federal and state statutes, by the Boston Region MPO in its role of planning and programming federal funds may file a written complaint. Complaints filed under a federal law—on the basis of race, color, national origin, language, sex, age, disability, or income—must be filed no later than 180 calendar days after the date on which the person believes the discrimination occurred. Complaints filed under a Massachusetts General Law—on the basis of religion, military service, ancestry, sexual orientation, or gender identity or expression—must be filed no later than 300 calendar days after the date on which the person believes the discrimination occurred.

To request additional copies of this document or to request it in an accessible format, please contact MPO staff using the methods described below. It is also possible to download the document by visiting www.bostonmpo.org.

CONTACT MPO STAFF:

By mail:

Betsy Harvey
Transportation Equity Program Manager,
Central Transportation Planning Staff
10 Park Plaza, Suite 2150
Boston, MA 02116

By telephone:

857-702-3701 (voice); 617-570-9193 (TTY)

By fax:

617-570-9192

By email:

eharvey@ctps.org

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Federal Fiscal Year 2017 DRAFT

Boston Region Metropolitan Planning Organization

June 8, 2017

**Prepared by
Central Transportation Planning Staff
Staff to the Boston Region Metropolitan Planning Organization**

Directed by the Boston Region Metropolitan Planning Organization,
which is composed of the:

Massachusetts Department of Transportation

Metropolitan Area Planning Council

Massachusetts Bay Transportation Authority

MBTA Advisory Board

Massachusetts Port Authority

Regional Transportation Advisory Council

City of Boston

City of Beverly

City of Everett

City of Newton

City of Somerville

City of Woburn

Town of Arlington

Town of Bedford

Town of Braintree

Town of Framingham

Town of Lexington

Town of Medway

Town of Norwood

Federal Highway Administration (nonvoting)

Federal Transit Administration (nonvoting)

CERTIFICATION OF THE BOSTON REGION MPO TRANSPORTATION PLANNING PROCESS

In accordance 49 CFR Section 21.7(a), every applicant for federal financial assistance from the U.S. Department of Transportation (USDOT) must provide assurance that the applicant will carry out the activity in compliance with DOT's Title VI regulations. As the Boston Region MPO receives financial assistance from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the MPO submits assurances for both agencies. For the FTA, this requirement is satisfied when the applicant submits its annual certifications and assurances to the FTA. For FHWA, this requirement is satisfied when the applicant submits its annual assurances to FHWA. Assurances and certifications for the FTA and FHWA follow this page.



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Certification of the Boston Region MPO Transportation Planning Process

The Boston Region Metropolitan Planning Organization (MPO) certifies that its conduct of the metropolitan transportation planning process complies with all applicable requirements, which are listed below, and that this process includes activities to support the development and implementation of the Regional Long-Range Transportation Plan and Air Quality Conformity Determination (LRTP), the Transportation Improvement Program and Air Quality Conformity Determination (TIP), and the Unified Planning Work Program (UPWP).

1. 23 USC 134, 49 USC 5303, and this subpart.
2. Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 USC 7504, 7506 (c) and (d) and 40 CFR Part 93.
3. Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR Part 21.
4. 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
5. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in U.S. DOT-funded projects.
6. The provisions of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.) and 49 CFR Parts 27, 37, and 38.
7. The Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance.
8. Section 324 of Title 23 USC regarding the prohibition of discrimination based on gender.
9. Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and 49 CFR Part 27 regarding discrimination against individuals with disabilities.
10. Anti-lobbying restrictions found in 49 USC Part 20. No appropriated funds may be expended by a recipient to influence or attempt to influence an officer or employee of any agency, or a member of Congress, in connection with the awarding of any federal contract.

June 15, 2017

A handwritten signature in blue ink, appearing to read "Stephanie Pollack".

Stephanie Pollack, Secretary and Chief Executive Officer
Massachusetts Department of Transportation (MassDOT)
Chair, Boston Region MPO

The signatures of the other MPO members may be found on page 2.


June 15, 2017

Certification of the Boston Region MPO Transportation Planning Process, p. 2


Marie Gayle Rose for
Massachusetts Department of Transportation,
Highway Division *David Anderson*

Massachusetts Department of Transportation


Eric P. Waaramaa
Massachusetts Bay Transportation Authority
(MBTA)


James O'Rourke
Massachusetts Port Authority
(Massport)


Eric F. Bann
Metropolitan Area Planning Council

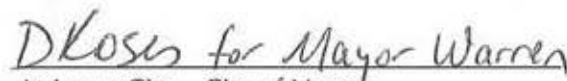

Paul Regan
Advisory Board to the MBTA


Mike Goring
Regional Transportation Advisory Council


John M. Lyne
City of Boston


James E. Lillooly
City of Boston


John M. Lyne
At-Large City - City of Everett


DKos for Mayor Warren
At-Large City - City of Newton


Laura Wiener
At-Large Town - Town of Arlington


Richard Canale
At-Large Town - Town of Lexington


Ann O'Brien
Inner Core Committee - City of Somerville


John M. Lyne
MetroWest Regional Collaborative -
Town of Framingham


Richard B. Reed
Minuteman Advisory Group on Interlocal
Coordination - Town of Bedford

North Shore Task Force - City of Beverly


Ann P. Gaud
North Suburban Planning Council -
City of Woburn


Christine Schick
South Shore Coalition - Town of Braintree

SouthWest Advisory Planning Committee -
Town of Medway


Mark H. Chaff
Three Rivers Interlocal Council -
Town of Norwood

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

PREFACE

Before the Federal Transit Administration (FTA or We) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, loan guarantee, master credit agreement, or State Infrastructure Bank (SIB) cooperative agreement certain pre-award Certifications and Assurances are required, except as FTA determines otherwise in writing. The Applicant must authorize a representative (Authorized Representative) to select and sign its Certifications and Assurances and bind the Applicant's compliance. You, as your Applicant's Authorized Representative, must select and sign all Certifications and Assurances that your Applicant must provide to support each application it submits to FTA for federal assistance during federal fiscal year (FY) 2017.

We request that you read each Certification and Assurance and select those that will apply to any application for which your Applicant might seek FTA assistance during FY 2017. As provided by federal laws, regulations, and requirements, FTA may award federal assistance only if the Applicant's Authorized Representative selects adequate Certifications and Assurances.

We have consolidated our Certifications and Assurances into twenty-three (23) Categories. At a minimum, you must select the Assurances in Category 01. If your Applicant requests more than \$100,000 in federal assistance, you must select the "Lobbying" Certification in Category 02, except if your Applicant is an Indian tribe, Indian organization, or an Indian tribal organization. Depending on the nature of your Applicant and the Award it seeks, you may also need to select one or more Certifications and Assurances in Categories 03 through 23. Instead of selecting individual Categories of Certifications and Assurances, however, you may make a single selection that will encompass all twenty-three (23) Categories of Certifications and Assurances that apply to our various programs.

FTA, the Applicant, and the Applicant's Authorized Representative, understand and agree that not every provision of these twenty-three (23) Categories of Certifications and Assurances will apply to every Applicant or every Award or Project included in an Award, even if you make a single selection encompassing all twenty-three (23) Categories. Nor will every provision of each Certification or Assurance within a single Category apply if that provision does not apply to your Applicant or the Award it seeks. The type of Applicant and its application will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Award, itself, any Subrecipient, or any other Third Party Participant in its Award, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including,

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant as necessary to assure your Applicant's compliance with the applicable Certifications and Assurances selected on its behalf.

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities that each member will perform and the extent to which each member will be responsible for compliance with the selected Certifications and Assurances. You also must identify each member's role in the Award, whether as a Recipient, Subrecipient, Third Party Contractor, or other Third Party Participant.

It is important that you and your Applicant also understand that these Certifications and Assurances are pre-award requirements, generally imposed by federal law or regulation, and do not include all federal requirements that may apply to it or its Award. We expect you to submit your Applicant's FY 2017 Certifications and Assurances and its applications for federal assistance in FTA's electronic award and management system, currently the Transit Award Management System (TrAMS). You must be registered in TrAMS to submit your Applicant's FY 2017 Certifications and Assurances. TrAMS contains fields for selecting among the twenty-three (23) Categories of Certifications and Assurances and a designated field for selecting all twenty-three (23) Categories of Certifications and Assurances. If FTA agrees that you are unable to submit your Applicant's FY 2017 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Categories of Certifications and Assurances that you are submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- *The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, and other authorizing legislation to be enacted, and*
- *Appropriations Acts or Continuing Resolutions funding the U.S. Department of Transportation during Fiscal Year 2017.*

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide federal assistance for your Applicant's Award, you must select the Certifications and Assurances in Category 01 in addition to any other applicable Certifications and Assurances, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 01 that does not apply will not be enforced.

01.A. Certifications and Assurances of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that in signing these Certifications, Assurances, and Agreements, both you, as your Applicant's Authorized Representative, and your Applicant's attorney who is authorized to represent your Applicant in legal matters, may undertake the following activities on your Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and your Applicant's by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute its Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, Line of Credit, Master Credit Agreement, or State Infrastructure Bank (SIB) Cooperative Agreement for which the Applicant is seeking federal assistance from FTA,
4. Comply with applicable federal laws, regulations, and requirements, and
5. Follow applicable federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for each Award, including the FTA Master Agreement and other documents incorporated by reference and made part of its Grant Agreement or Cooperative Agreement, or latest amendment thereto.
3. It recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. It understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting it or its Award.
5. It agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, except as FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age including:
 - a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
 - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (prohibiting discrimination on the basis of race, color, religion, sex, (including gender identity and sexual orientation) or national origin),
 - d. Executive Order No. 11246, "Equal Employment Opportunity" September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
 - e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*,
 - f. U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 C.F.R. part 25,
 - g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, *et seq.*,
 - h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*,
 - i. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.
2. It will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.
3. As required by 49 CFR § 21.7:

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- a. It will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
 - (1) It implements its Award,
 - (2) It undertakes property acquisitions, and
 - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award.
- b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.
- c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
- d. If it transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - (1) While the property is used for the purpose that the federal assistance is extended, or
 - (2) While the property is used for another purpose involving the provision of similar services or benefits.
- e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, or
 - (3) This assurance.
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit law, 49 U.S.C. § 5332.
- g. It will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
- h. It will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - (1) Subrecipient,
 - (2) Transferee,
 - (3) Third Party Contractor or Subcontractor at any tier,
 - (4) Successor in Interest,
 - (5) Lessee, or
 - (6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - (1) Subagreement at any tier,
 - (2) Property transfer agreement,

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (3) Third party contract or subcontract at any tier,
 - (4) Lease, or
 - (5) Participation agreement.
- j. The assurances you have made on your Applicant's behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
 - (1) Federal assistance is provided for its Award,
 - (2) Its property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
 - (3) It retains ownership or possession of its property acquired or improved with federal assistance provided for its Award, or
 - (4) FTA may otherwise determine in writing.
- 4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:
 - a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
 - b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

01.E. Suspension and Debarment, Tax Liability, and Felony Convictions Certifications.

01.E.1 Suspension and Debarment.

On behalf of your Applicant, you certify that:

- a. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180.
- b. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - (1) Are eligible to participate in covered transactions of any federal department or agency and are not presently:
 - (a) Debarred,
 - (b) Suspended,

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (c) Proposed for debarment,
 - (d) Declared ineligible,
 - (e) Voluntarily excluded, or
 - (f) Disqualified.
- (2) Within a three-year period preceding its latest application or proposal, its management has not been convicted of or had a civil judgment rendered against any of them for:
- (a) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction, or contract under a public transaction,
 - (b) Violation of any federal or state antitrust statute, or
 - (c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
- (3) It is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in the preceding subsection 2.b of this Certification.
- (4) It has not had one or more public transactions (federal, state, or local) terminated for cause or default within a three-year period preceding this Certification.
- (5) If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Category 01.E Certification, it will promptly provide that information to FTA.
- (6) It will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
- (a) Equals or exceeds \$25,000,
 - (b) Is for audit services, or
 - (c) Requires the consent of a federal official.
- (7) It will require that each covered lower tier contractor and subcontractor:
- (a) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
 - (b) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:
 - 1 Debarred from participation in any federally assisted Award,
 - 2 Suspended from participation in any federally assisted Award,
 - 3 Proposed for debarment from participation in any federally assisted Award,
 - 4 Declared ineligible to participate in any federally assisted Award,
 - 5 Voluntarily excluded from participation in any federally assisted Award, or
 - 6 Disqualified from participation in any federally assisted Award.
- c. It will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.E.1 Certification.

01.E.2. Tax Liability.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- a. Your Applicant and its prospective Subrecipients have no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when issued.

01.E.3. Felony Convictions.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have not been convicted of a felony criminal violation under any federal law within the preceding 24 months.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when it is issued.

01.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in this Category 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in federal laws, regulations, and requirements.

- 1. *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For any application it submits for federal assistance, it has adequate resources to plan, manage, and properly complete the tasks to implement its Award, including:
 - (1) The legal authority to apply for federal assistance,
 - (2) The institutional capability,
 - (3) The managerial capability, and
 - (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
 - b. As required, it will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) The State, through an appropriate authorized representative.
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - (1) A personal or organizational conflict of interest or personal gain, or
 - (2) An appearance of a personal or organizational conflict of interest or personal gain.
- 2. *Specifics of the Award.* On behalf of your Applicant, you assure that:
 - a. It will begin and complete work within the period of performance that applies following receipt of an FTA Award.
 - b. For FTA assisted construction Awards:

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
 - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
 - (3) It will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property,
 - (4) To the extent FTA requires, it will record the federal interest in the title to FTA assisted real property or interests in real property, and
 - (5) It will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
- c. It will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory Requirements.* On behalf of your Applicant, you assure that:
- a. Your Applicant will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
 - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. § 2000d.
 - (2) The prohibitions against discrimination on the basis of sex, as provided in:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
 - (3) The prohibitions against discrimination on the basis of age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107.
 - (4) The prohibitions against discrimination on the basis of disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
 - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 .
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq.*
 - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 *et seq.*
 - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. § 4541 *et seq.*

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. § 290dd – 290dd-2.
- (10) The prohibitions against discrimination in employment as provided in Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*,
- (11) The nondiscrimination provisions of any other statute(s) that may apply to its Award.
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. § 4601 *et seq.*, and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any real property acquired or improved for purposes of its Award:
 - (1) It will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
 - (2) It has the necessary legal authority under state and local laws, regulations, and requirements to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. § 4601 *et seq.*, as specified by 42 U.S.C. §§ 4630 and 4655, and
 - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR § 24.4.
 - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
 - (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and
 - 2 Displaced corporations, associations, or partnerships.
 - (c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships.
 - (d) As provided by 42 U.S.C. § 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals.
 - (e) It will do the following:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin.
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. § 4631.
 - (h) It will execute the necessary implementing amendments to FTA assisted third party contracts and subagreements.
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
 - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
 - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. § 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures.
- d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance of:
 - (1) The National Research Act, as amended, 42 U.S.C. § 289 *et seq.*, and
 - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11.
- e. It will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:
 - (1) The Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147,
 - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874, and 40 U.S.C. § 3145, respectively, and
 - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3701 *et seq.*
- f. It will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:
 - (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. § 4321 note.
 - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. § 7606 note.
 - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. § 4321 note.
 - (4) Following the evaluation of flood hazards in the floodplains provisions of Executive Order No. 11988, May 24, 1977, 42 U.S.C. § 4321 note, and Executive Order No. 13690 "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, January 30, 2015.
 - (5) Complying with the assurance of consistency with the approved state management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 – 1465.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1970, as amended, 42 U.S.C. §§ 7401 – 7671q.
- (7) Complying with protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f – 300j-6.
- (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 – 1544.
- (9) Complying with the environmental protections for federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation Award, as required by 49 U.S.C. § 303 (also known as “Section 4f”).
- (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
- (11) Complying with and facilitating compliance with:
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. § 312501 *et seq.*, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.
- g. To the extent applicable, it will comply with the following federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported with federal assistance:
 - (1) The Animal Welfare Act, as amended, 7 U.S.C. § 2131 *et seq.*, and
 - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4.
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.
- i. It will comply with and assure that each of its Subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4012a(a), by:
 - (1) Participating in the federal flood insurance program, and
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- j. It will comply with:
 - (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
 - (2) 49 U.S.C. § 5323(l)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.
- k. It will perform the financial and compliance audits as required by the:
 - (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
 - (2) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, and
 - (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).
 - l. It will comply with all other federal laws, regulations, and requirements that apply.
 - m. It will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

CATEGORY 02. LOBBYING.

Before FTA may provide federal assistance for a grant or cooperative agreement exceeding \$100,000 or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, you must select the Lobbying Certifications in Category 02, unless your Applicant is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 31 U.S.C. § 1352, and/or except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

- 1. As required by 31 U.S.C. § 1352 and U.S. DOT regulations, “New Restrictions on Lobbying,” specifically 49 CFR § 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - (1) For \$100,000 or more in federal assistance for a grant or cooperative agreement, and
 - (2) For \$150,000 or more in federal assistance for a loan, line of credit, loan guarantee, or loan insurance, and
 - b. Your Certification on your Applicant’s behalf applies to the lobbying activities of:
 - (1) The Applicant,
 - (2) Its Principals, and
 - (3) Its Subrecipients at the first tier.
- 2. To the best of your knowledge and belief:
 - a. No federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - b. Your Applicant will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with the instructions on that form, if any funds other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - c. Your Applicant will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance including, but not limited to:
 - (1) Each third party contract,
 - (2) Each third party subcontract,
 - (3) Each subagreement, and
 - (4) Each third party agreement.
- 3. Your Applicant understands that:
 - a. This Certification is a material representation of fact that the Federal Government relies on, and
 - b. It must submit this Certification before the Federal Government may award federal assistance for a transaction covered by 31 U.S.C. § 1352, including a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance.
- 4. Your Applicant understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Selection and signature pages follow. The Boston Region MPO complies with Categories 1 and 2. The full FTA Fiscal Year 2017 Certifications and Assurances can be found at <https://www.transit.dot.gov/sites/fta.dot.gov/files/FTA%20FY%202017%20Certifications%20and%20Assurances.pdf>.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: Boston Region Metropolitan Planning Organization

The Applicant agrees to comply with applicable provisions of (Categories 01 – 23, _____)

OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	<u>X</u>
02.	Lobbying.	<u>X</u>
03.	Procurement and Procurement Systems.	_____
04.	Private Sector Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan, Public Transportation Safety Program, and State Safety Oversight Requirements.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	_____
12.	State of Good Repair Program.	_____
13.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	_____
14.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	_____
15.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.	_____
16.	Rural Areas and Appalachian Development Programs.	_____
17.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
18.	State Safety Oversight Grant Program.	_____
19.	Public Transportation Emergency Relief Program.	_____
20.	Expedited Project Delivery Pilot Program.	_____
21.	Infrastructure Finance Programs.	_____
22.	Paul S. Sarbanes Transit in Parks Program.	_____
23.	Construction Hiring Preferences.	_____

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for federal assistance to be awarded by FTA and all FTA Grantees with an active Capital or Formula Award)

AFFIRMATION OF APPLICANT

Name of the Applicant: Boston Region Metropolitan Planning Organization

Name and Relationship of the Authorized Representative: Steve Woelfel, MPO Chair

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2017, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2017.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature [Signature]

Date: 7/20/17

Name Steve Woelfel
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____

Date: _____

Name _____
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within FTA's electronic award and management system, provided the Applicant has on file and uploaded to FTA's electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.



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TITLE VI/NONDISCRIMINATION ASSURANCES

The United States Department of Transportation (U.S. DOT) Order No. 1050.2A

The Massachusetts Department of Transportation (hereinafter referred to as the “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

STATUTORY/REGULATORY AUTHORITIES

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin (including limited English proficiency));
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 23 C.F.R. Part 200 (FHWA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);

The preceding statutory and regulatory cites are referred to as the “Acts” and “Regulations,” respectively.



FEDERAL EXECUTIVE ORDER AUTHORITIES

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that:

No person in the United States shall, on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from U. S. DOT, including FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Additionally, the Recipient may not discriminate in the selection and retention of contractors, including without limitation, retaining contractors whose services are for, or incidental to, construction, planning, research, highway safety, engineering, property management, realty, fee contracts, and other commitments with persons for services and expenses incidental to the acquisition of rights-of-way.

Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of rights-of-way, and related projects, including those who supply materials and lease equipment.

The Recipient may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where highway rights-of-way acquisitions necessitate relocation(s).

The Recipient may not discriminate by preventing Title VI/Nondiscrimination populations from accessing and using facilities and services provided for public accommodations (i.e., eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the rights-of-way of Federally-assisted highways.

The Recipient shall not locate, design, or construct a highway in such a manner as to deny access to, and use thereof, to any persons on the basis of race, color national origin (including limited English proficiency), age, sex, or disability, including low-income status.

Additionally, the Recipient shall develop and implement a Public Participation Plan in a manner that ensures the identification of Title VI/Non-discrimination population(s), affords the population(s) opportunities to comment on transportation planning and highway project development, and provides for consideration of and prompt response to all substantive comments.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient gives the following Assurances:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) the Acts and the Regulations (FHWA Title VI/Nondiscrimination Assurance), hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in consideration for an award.

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to the Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations and this Assurance.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Massachusetts Department of Transportation gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

SIGNED FOR THE RECIPIENT:



Stephanie Pollack

Secretary/CEO

Massachusetts Department of Transportation

6/19/15

Date

SUBRECIPIENT TITLE VI/NONDISCRIMINATION ASSURANCES

The Boston Region Metropolitan Planning Organization (hereinafter referred to as the "Sub-Recipient"), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations detailed in this document.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the Federal Highway Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

SIGNED FOR THE SUB-RECIPIENT:


(Signature & Date)

7/20/17

Stephen Woeitfel, Deputy Director - OTP MassDOT
(Print Name & Title)

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Nondiscrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant

thereto. The contractor will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.”

(HABENDUM CLAUSE)

“To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

*(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

1. *The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:*
 - a. *In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
2. *With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.**
3. *With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

*Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *“The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will thereupon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor,” which includes consultants) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

PERTINENT NON-DISCRIMINATION AUTHORITIES:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)

- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)



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Abstract

Title VI of the Civil Rights Act of 1964 states that “no persons in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” To fulfill this mandate, each federal agency that provides financial assistance to any recipient is authorized and directed by the United States Department of Justice to apply Title VI to each recipient by issuing applicable requirements. As federal agencies, the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) require that recipients of their financial assistance have Title VI programs and document these programs and related activities.

As a subrecipient of both FTA and FHWA funding, the Boston Region Metropolitan Planning Organization (MPO) has prepared this 2017 Triennial Title VI Report that explains its Title VI program. The program, conducted in cooperation with the Massachusetts Department of Transportation (MassDOT), is consistent with the principles, federal laws and guidelines, and related requirements of Title VI, and is responsive to the needs of beneficiaries.

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EXECUTIVE SUMMARY

ES.1 BACKGROUND AND PURPOSE

The Boston Region Metropolitan Planning Organization (MPO) is responsible for conducting the federally required metropolitan transportation-planning process (often called the 3C—continuing, cooperative, and comprehensive—process) for the Boston metropolitan area. The MPO uses this process to develop a vision for the region and then decides how to allocate federal and state transportation funds to programs and projects—roadway, transit, bicycle, and pedestrian—that support this vision. To perform the 3C planning process, the MPO receives funding from both the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA).¹

As a recipient of this federal funding, the MPO is required to comply with various civil rights statutes, executive orders, and regulations that are intended to ensure that traditionally underserved populations are included in the planning process and have access to MPO activities. The primary civil rights authorities include:

- **Title VI of the Civil Rights Act of 1964**, which states that “no persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”
- **Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency (LEP)**, which directs federal agencies, and recipients of federal funding, to provide meaningful language access to their services. Under Title VI, LEP is considered the primary marker of national origin.
- **Executive Order 12898—Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations**, which requires federal agencies, and recipients of their funding, to address EJ concerns.
- **The Americans with Disabilities Act (ADA)**, which prohibits public entities from discriminating against persons with a disability or excluding them from participation in, or denying them of the benefits of, their services, programs, or activities.

Both the FTA and FHWA require the MPO to comply with these civil rights mandates by developing programs to include underserved populations, and monitoring and reporting regularly on the programs’ success. The MPO’s compliance efforts are

¹ The Massachusetts Department of Transportation is the primary recipient of the funding from FTA and FHWA, and the MPO is a subrecipient of the funding through MassDOT.

fulfilled under its Title VI and Transportation Equity (TE) programs, which address the transportation needs of populations protected under the mandates discussed above, analyze the effects of the MPO's activities, and perform public outreach. The Title VI program, which focuses specifically on Title VI requirements, is a part of the broader TE program, which identifies and addresses the concerns of EJ and other traditionally underserved populations, including those protected on the basis of age, sex, and disability. In addition to these programs, consideration of equity is integral to all aspects of the MPO planning process.

This report addresses the FTA's triennial reporting requirements under Title VI of the Civil Rights Act of 1964 and FHWA's annual reporting requirements under its Title VI/non-discrimination program. The report reflects the MPO's efforts over the past three years (since its prior Title VI report) to identify the specific transportation concerns and needs of populations protected under the above legal authorities. The MPO believes that these efforts are vital not only because they comply with federal regulations, but also because they are sound transportation-planning practices that further the MPO's vision of providing equitable transportation access and involvement in its decision-making process to all residents in the region regardless of their background.

ES.2 GENERAL REPORTING REQUIREMENTS

As part of their Title VI reporting processes, all recipients of federal funding, including MPOs, must provide the following documentation, all of which is included in this report.

- **Annual Title VI Certifications and Assurances:** Forms signed by the MPO to assure that MPO programs and activities are fulfilled in compliance with Title VI regulations (signed and inserted in the final report after public review and subsequent approval by the MPO).
- **Notice of Non-discrimination Rights and Protections to Beneficiaries:** A statement by the MPO to apprise members of the public of the protections against discrimination afforded to them by Title VI.
- **MPO Endorsement:** Evidence that the MPO has reviewed and approved the Title VI program and report (inserted in the final report after public review and subsequent approval by the MPO).
- **Complaint Procedures:** A process through which individuals can file discrimination complaints against the MPO, and which allows the MPO to track and investigate these complaints.

- **Title VI Investigations, Complaints, and Lawsuits:** A list of any allegations of discrimination by the MPO in its programs and activities during the past three years (the MPO has experienced none).
- **Boston Region MPO Language Assistance Plan (LAP):** The MPO's plan to identify LEP populations and the languages spoken by them, and to translate vital documents into these languages.
- **Minority Representation on Planning and Advisory Bodies:** Documentation of racial breakdowns of the membership of any MPO transit-related, non-elected planning boards, advisory councils or committees for which the MPO selects the members; and a description of efforts made to encourage participation of minorities on such committees (the MPO does not have any such advisory bodies or committees).
- **Boston Region MPO Public Participation Plan:** Documentation of the various outreach activities in which the MPO engages to ensure that all members of the public are given the opportunity to participate in the MPO's transportation planning process.

ES.3 REPORTING REQUIREMENTS SPECIFIC TO MPOS

For reporting purposes, the MPO is required to collect data and complete various analyses to evaluate the impact of its planning activities on protected populations. This includes analyzing demographic characteristics of protected populations, analyzing how the MPO's transportation investments are distributed, and determining whether projects funded by the MPO cause disparate impacts or disproportionate burdens to minority and low-income populations, respectively.

Demographic Profiles

To meet FTA Title VI requirements, the MPO has produced demographic profiles—a collection of maps and tables—of minority and LEP populations. In response to FHWA broader requirements, the MPO also has developed demographic profiles for other protected populations, including low-income, elderly, people with disabilities, zero-vehicle households, and female-headed households with children.

Analyses of the Distribution of Federal Funds

Transportation Improvement Program (TIP)

MPO staff produced an analysis and map of the geographical distribution of projects in the federal fiscal years (FFYs) 2017–2021 Transportation Improvement Program (TIP). The analysis reviews the distribution of MPO target-funded projects that

serve transportation analysis zones (TAZs) that exceed regional thresholds for TE populations. The map shows location-specific public transit projects in the TIP. In the FFYs 2012–2021 TIP, staff also analyzed distribution of state and federal funds for public transit projects to low-income, non-low-income, minority and non-minority passengers. This analysis determined the amount of investments per transit passenger, relative to ridership.

Unified Planning Work Program (UPWP)

For the FFYs 2017 and 2018 Unified Planning Work Programs (UPWP), the MPO produced a geographical assessment of the distribution of MPO-funded studies. It cites which communities in the region have been the subject of these studies, as well as their low-income and minority composition.

Identification of Benefits and Burdens

The MPO analyzes all of the proposed projects, in the aggregate, in its Long-Range Transportation Plan (LRTP) to identify potential impacts—called disparate impacts for minority populations and disproportionate burdens for low-income populations. In addition, the MPO recently developed a methodology to do a similar analysis for the TIP. The goal for both analyses is to determine whether the collection of projects would cause disparate impacts or disproportionate burdens for minority and low-income populations. In the process of doing so, the MPO has developed a draft disparate impact/disproportionate burden (DI/DB) policy that, while not explicitly required by the FTA and FHWA, sets thresholds that allow the MPO to determine whether a collection of projects would cause disparate impacts and/or disproportionate burdens.

The MPO's most recent LRTP, *Charting Progress to 2040*, evaluated these impacts, using a number of metrics related to accessibility, mobility, and air quality. The analysis found that the LRTP would not cause disparate impacts or disproportionate burdens. The MPO's TIP equity analysis methodology needs to be refined before it can be used to determine potential benefits and burdens.

ES.4 TITLE VI AND EJ IN THE MPO PLANNING PROCESS

The importance of incorporating transportation equity into the MPO's planning and programming activities is reflected in the MPO's certification documents: the LRTP, TIP, and UPWP. The MPO's commitment to equity is also demonstrated through its performance-based planning practice (PBPP) and ongoing public participation process.

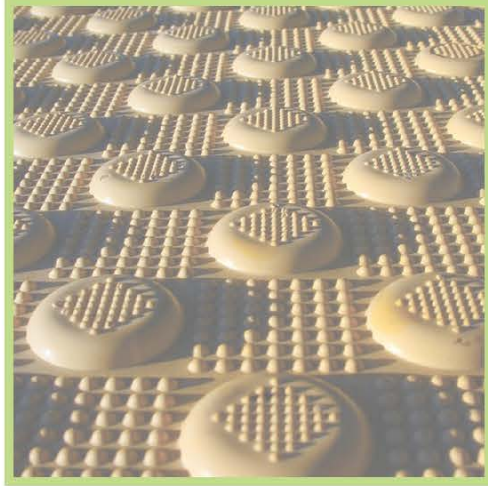
The LRTP describes the MPO's transportation policies and goals and lays out an investment program for the region's transportation system for a 20-plus-year period. The six goals in *Charting Progress to 2040*, and their accompanying objectives, guide TIP, LRTP, and UPWP project and study selection. One of the goals—transportation equity—has three objectives that are designed to improve access to and benefit from the transportation-planning process: 1) target investments to benefit a high percentage of low-income and minority populations, 2) minimize burdens in low-income and minority areas, and 3) break down barriers to participating in MPO decision-making.

Every year, the MPO develops a TIP that prioritizes transportation investments over a five-year period. Project selection is guided by the MPO's vision, goals, and objectives as stated in the LRTP. To meet the transportation equity goal, the MPO has developed project-selection criteria to assess whether a project serves one or more protected populations, as well as whether it creates a disparate impact or disproportionate burden.

The UPWP describes how the region's federal transportation-planning funds will be spent each year. Every year, the MPO makes an effort to select UPWP studies that directly or indirectly address the needs of protected populations.

The Boston Region MPO is working to develop and implement its PBPP, through which the MPO can monitor and evaluate its progress toward achieving the goals established in the LRTP. Because transportation equity is a critical goal, it is being integrated into the MPO's PBPP, through which staff is tracking transportation investments in minority and low-income communities to ensure that all areas of the region benefit from the programming for federal dollars.

The MPO's Public Participation Plan (PPP) describes the various public outreach and communications activities in which the MPO engages to ensure that all members of the public have the opportunity to participate in the metropolitan transportation-planning process. The PPP specifically identifies ways in which the MPO promotes participation among populations that historically have been underserved by the transportation system and/or have lacked access to the decision-making process. The MPO incorporates inclusive public outreach into every aspect of its transportation-planning process.



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A photograph of a woman with short dark hair, wearing a grey blazer and a colorful scarf, smiling as she interacts with a transit worker. The worker, an older man with grey hair, is wearing a red jacket with a transit logo and is handing a green card to the woman. They are standing next to a silver turnstile. The turnstile has a sign that says "KEEP H S C" and instructions "1. INSERT" and "2. REMOVE TICKET". A small sign on the turnstile reads "FOR HELP 817-222-3200 MACHINE # 411245". The background shows a transit station with large windows and a brick wall.

CHAPTER 1

BACKGROUND AND PURPOSE

Please note that the text of some pages in this report may not be accessible to individuals with low or no vision who use a screen reader. These include the FTA and FHWA certifications and assurances and the Title VI program MPO member endorsement page. If you would like to request these or any other material in this report in a different format, please contact the Central Transportation Planning Staff (CTPS) via email at publicinfo@ctps.org.

1.1 THE BOSTON REGION MPO'S VISION AND FUNCTION

Covering 101 municipalities in eastern Massachusetts, the Boston Region MPO consists of a 22-member board of state agencies, regional transportation-planning organizations, and elected local officials who represent the region's diverse transportation interests. MPO members, supported by staff, are responsible for allocating federal funds for public transit, roadway, bicycle, and pedestrian projects in the region. In collaboration with MPO staff, they are also responsible for setting the region's transportation vision, goals, and objectives. These are reflected in the studies, reports, technical memoranda, and the three federally required certification documents that MPO staff produces: the Transportation Improvement Program (TIP), Long-Range Transportation Plan, (LRTP) and Unified Planning Work Program (UPWP).

The MPO's vision, as updated for the 2040 LRTP, *Charting Progress to 2040*, is as follows: "The Boston Region Metropolitan Planning Organization envisions a modern transportation system that is safe, uses new technologies, provides equitable access, excellent mobility, and varied transportation options—in support of a sustainable, healthy, livable, and economically vibrant region."

The MPO also established goals to help make its vision a reality; these goals (cited below) guide the various work that the MPO undertakes and help staff prioritize the studies and transportation projects that the MPO funds.

- Safety—Make all transportation modes safe
- System preservation—Maintain the system
- Capacity management/mobility—Use existing facility capacity more efficiently and increase healthy transportation capacity
- Clean air/clean communities—Create an environmentally friendly transportation system
- Transportation equity—Provide comparable transportation access and service quality among communities, regardless of income level or minority population
- Economic vitality—Ensure that our transportation network serves as a strong foundation for economic vitality

The MPO's vision, goals, and objectives reflect the diverse transportation needs of the more than 3.1 million people who live in the region. Encompassing 1,405 square miles, it contains urban centers, established and emerging suburbs, coastal towns, and rural communities. In addition to this geographic diversity, the region's residents represent a rich ethnic, racial, and cultural diversity. More than one-quarter of residents are non-White and/or of Hispanic origin and more than 38 non-English languages are spoken in homes throughout the region. More than 10 percent of the region's population lives in poverty,² and 16 percent of households do not have access to a car, meaning that affordable, non-auto transportation modes are vital to many residents in the region.

The MPO strives to take into account this demographic, cultural, environmental, and economic diversity when funding transportation projects and evaluating their impacts. To this end, this Title VI Triennial Report reflects the MPO's efforts during the past three years³ to identify the specific transportation concerns and needs of populations protected under Title VI of the Civil Rights Act of 1964 and the related limited English proficiency EO 13166. The report also discusses actions taken by the MPO to address the needs of the populations protected by Executive Order 12898 (EJ EO) concerning environmental justice (EJ) and the Americans with Disabilities Act of 1990 (ADA). The MPO believes that these efforts are vital: they comply with federal regulations, and also reflect sound transportation-planning practices, reflecting the MPO's vision of providing equitable transportation access and involvement in the MPO decision-making process to all residents in the region regardless of their background.

1.2 FEDERAL REQUIREMENTS AND GUIDANCE

The MPO's Title VI and Transportation Equity (TE) programs were developed in response to federal laws, namely the Civil Rights Act of 1964, and several EOs. These two programs seek to ensure that people who historically have been excluded from participating in the MPO transportation-planning process, and who have been underserved by transportation investments, have opportunities to participate, have a voice in the selection of transportation investments in their communities, and receive a fair share of their region's investments. Through these programs, the Boston Region MPO remains committed to a transparent, accessible, and open transportation-planning process as it considers all residents' needs in developing its plans and selecting the studies and projects it funds.

The following subsections discuss the federal statutes and EOs that govern the MPO's civil rights activities, the regulations and guidance that direct their implementation, and the populations covered by each.

² Poverty statistics and other data for the Boston region are reported in the 2010–2014 American Community Survey and vary based on household size. Using the household as the unit of measurement (which the MPO uses in the form of annual household income), instead of individual income measures, accounts for the economies of scale inherent as household size increases.

³ The FTA requires that MPOs submit documentation of their Title VI effort every three years. As a measure of expediency, the Boston Region MPO combines reporting efforts to FHWA with those to FTA.

1.2.1 Title VI

Title VI is part of the Civil Rights Act of 1964. It states that “no persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” As recipients of federal financial assistance from FHWA and the FTA, all MPOs are required to document their efforts to ensure that their activities, programs, and services are not discriminatory on these grounds.

The following races and ethnicities are protected under Title VI: American Indian/Alaska Native; Asian; Black/African American; Hispanic or Latino, of any race; and Native Hawaiian/other Pacific Islander. Discrimination on the basis of limited English language proficiency (LEP) qualifies as discrimination on the basis of national origin as provided under Title VI. While prohibition of discrimination based on national origin dates back to the Civil Rights Act, EO 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and several subsequent iterations of clarifying guidance led to LEP being recognized as the primary way of identifying national origin.

EO 13166 directs federal agencies to take reasonable steps to provide meaningful language access in their services, and for all recipients of any federal financial assistance to do the same, regardless of whether those services are directly supported financially by a federal agency. In 2002, the Department of Justice (DOJ) finalized guidance on how recipients can provide meaningful LEP access. In 2005, the U.S. Department of Transportation (USDOT) issued its own LEP guidance, which was based on the DOJ guidance. Under this guidance, FTA and FHWA recipients and subrecipients are required to develop a Language Assistance Plan (LAP), in which they establish procedures for identifying the number of LEP persons who may be served; determining how language assistance will be provided; establishing a process for training staff; notifying LEP persons about available resources; and monitoring and updating the LAP. As part of the LAP, recipients complete a “Four Factor Analysis” to determine what constitutes meaningful access for LEP persons and identify those languages that are most widely spoken amongst the population that is served. The guidance also identifies which documents are considered “vital,” and thus should be translated.

In their role in carrying out the mission and directives of Title VI, the FTA and FHWA have each issued their own guidance for recipients of their financial assistance regarding compliance with Title VI. The latest FTA guidance, FTA Circular 4702.1B, was issued in 2012. It describes the contents of FTA’s Title VI compliance programs that must be adopted and maintained by their recipients. FHWA incorporates Title VI into

a broader application of non-discrimination statutes, regulations, and EOs into its Title VI/non-discrimination program. FHWA's Title VI/non-discrimination program also covers discrimination based on sex, disability status, income, and age, through the FHWA Title VI program requirements, Age Discrimination Act of 1975, Rehabilitation Act of 1975, and Title 23 (section 324) of the U.S. Code prohibiting discrimination based on sex. Guidance for financial recipients is found in the 2015 "Federal Highway Administration Environmental Justice Reference Guide."

1.2.2 Environmental Justice

Environmental justice at the federal level is based on EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations." Signed by President Clinton in 1994, this EJ EO instructs federal agencies to identify and address any disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority and low-income populations. To this end, each agency must develop strategies to incorporate EJ principles into their operations and into those of the recipients of their financial assistance. The EJ EO does not create new legal mandates; rather, it ensures that EJ is considered when implementing existing statutes. Although the EJ EO applies to federal agencies, the requirements are passed through to their recipients of federal financial assistance, such as MPOs, which implement federal policy and programs.

To assist their recipients, in 2012 the FTA published FTA C 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients." The FTA has also incorporated some requirements for accommodating low-income populations into its Title VI Circular—specifically with regard to fare and service equity analyses for transit providers. FHWA EJ guidance may be found in the EJ reference guide referenced above.

1.2.3 Americans with Disabilities Act

The ADA prohibits public entities from discriminating against people with disabilities or excluding them from participating in, or denying them the benefits of, the entities' services, programs, or activities. Although disability protections are not explicitly a part of Title VI, they are implied in the inclusive public participation requirements. For MPOs, this means that public meetings are held in accessible buildings and that vital MPO documents are available in accessible formats to members of the public.

1.3 THE MPO PLANNING PROCESS AND TITLE VI

The Boston Region MPO follows a "3C" transportation-planning process—continuing, comprehensive, and cooperative—that results in plans, documents, and programs that are consistent with the transportation objectives of the MPO. To be *continuing*, MPO work is conducted on an ongoing basis; to be *comprehensive*, the work is inclusive

of all transportation modes, all populations, all areas in the region, and all of the regional transportation needs; and to be *cooperative*, the work is performed in close communication and consultation with all of the region's municipalities and with a broad coalition of agencies, organizations, and stakeholders.

As part of the 3C process, the MPO produces the TIP, LRTP, and UPWP, which are required for the MPO to be certified as meeting federal requirements for metropolitan transportation planning and to receive federal surface transportation funds. All three documents, to different degrees, prioritize projects that address the needs of populations included in the MPO's TE and Title VI programs. The MPO's TE and Title VI programs support the various 3C-document equity analyses, public outreach efforts, and MPO-led equity-related studies. The Title VI program focuses on FTA and FHWA requirements that help ensure that minority and LEP persons are not subject to discrimination in the course of the MPO's work, and that Title VI reports are developed as necessary. The TE program is broader-based, tasked with identifying and addressing the concerns of a wider range of EJ and other protected populations that have been traditionally under-represented in the transportation-planning process and underserved by the transportation system. This program includes collecting and analyzing data, conducting public outreach, and evaluating whether the transportation needs of protected populations are being met.

As a subrecipient of federal funding from the FTA and FHWA, the MPO is required to incorporate Title VI regulations into all of its planning and programming activities. The subsections that follow provide an overview of how the MPO incorporates Title VI and EJ into the planning processes for each of the certification documents. You may find more detailed information in Chapter Four.

1.3.1 Transportation Improvement Program

The MPO's TIP, which is produced every year, allocates funding to projects within the MPO region over a five-year period.⁴ Projects that are selected for the TIP—which include public transit, roadway, bicycle, and pedestrian transportation projects—reflect the MPO's vision, goals, and objectives, as identified in the MPO's LRTP.

Because there is not enough funding available to support every project that is proposed for inclusion in any given TIP, MPO staff evaluate each project based on a set of pre-determined criteria to select those that most align with the MPO's vision, goals, and objectives. There are 28 criteria that relate directly to the MPO's six goals, one of

⁴ After completing the 2015–2018 TIP, the MPO changed the time frame of its TIPs to five years from four years.

which concerns transportation equity. A project can earn up to 12 points for serving Title VI/EJ/non-discrimination populations. Ensuring that all residents share in the benefits of the MPO's TIP investments is an important part of the MPO's planning work.

1.3.2 Long-Range Transportation Plan

The purpose of the LRTP is twofold: 1) to develop a long-range vision that identifies which transportation issues are of greatest concern to the MPO and the public, and 2) to recommend projects over the 20-year-plus time horizon of the LRTP that reflect this vision. The vision and related goals and objectives guide not only the long-range planning process, but all of the MPO's planning work as well, including the TIP, UPWP, its public participation program, and its TE and Title VI programs. Projects or investment programs must be contained in the LRTP to be programmed in the TIP.

1.3.3 Unified Planning Work Program

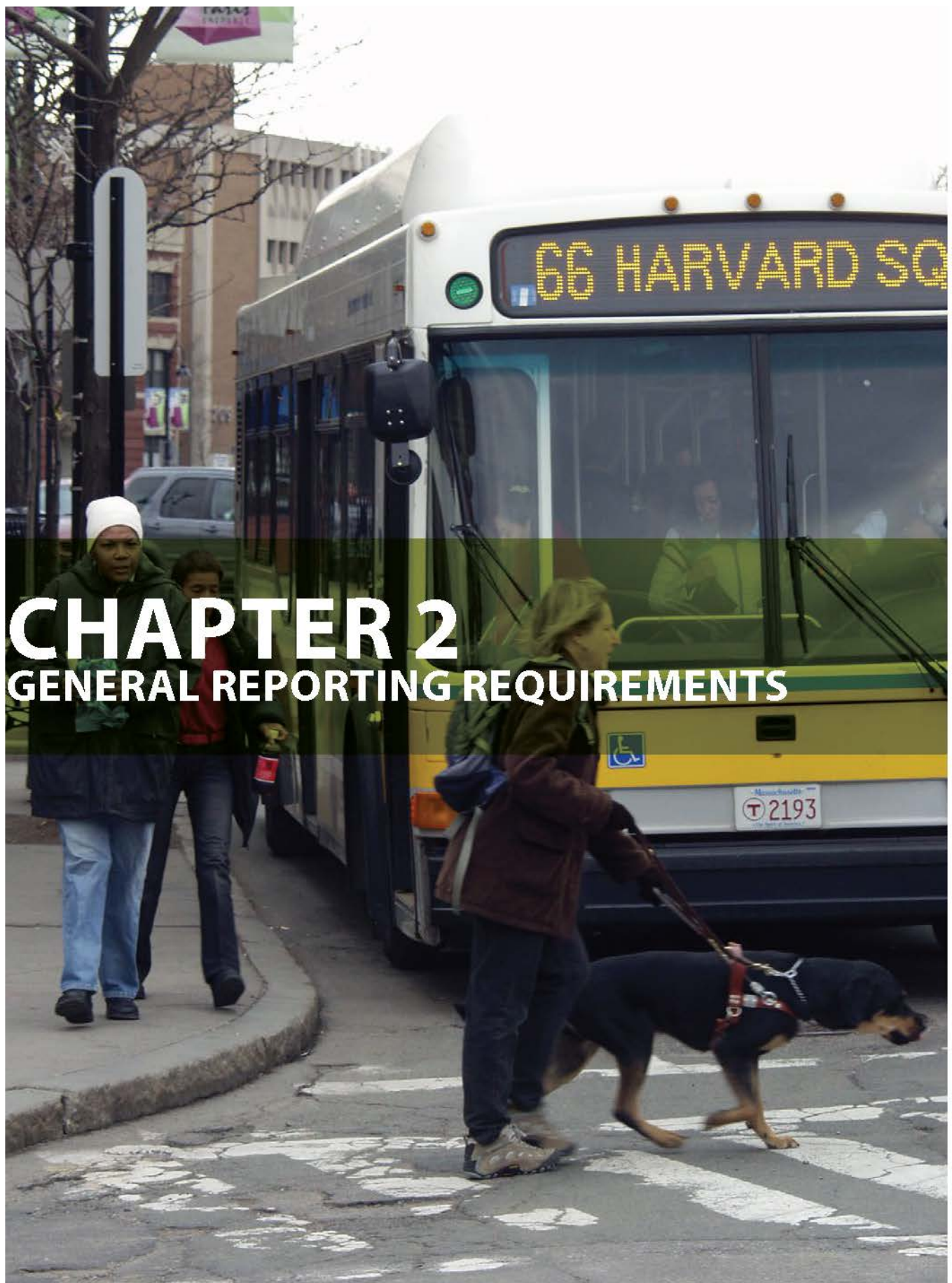
The UPWP identifies the studies, programs, and resources that the MPO will fund in the course of a year. It includes certification requirements, transportation studies that MPO staff conduct, and ongoing work programs, such as the MPO's Title VI and TE programs. Proposed studies are evaluated based on several criteria, including how a program helps to accomplish the MPO's LRTP goals; what transportation modes it addresses; the scale of the study; the time frame and type of impact anticipated; whether it furthers existing work; and if it is a new idea or has been funded in the past. The UPWP always includes programs and projects that relate directly or indirectly to understanding and/or furthering the needs of protected populations.

1.4 PURPOSE AND CONTENT OF THE TITLE VI REPORT

This document covers the MPO's work related to its Title VI program in federal fiscal years (FFYs) 2015, 2016, and 2017, and is based on the structure of the FTA's Title VI circular. To demonstrate compliance with FHWA's Title VI/non-discrimination requirements, the document also reports on parallel efforts to engage and accommodate a broader set of protected populations through the MPO's TE program. Chapter Two of this report demonstrates how the Boston Region MPO has satisfied the FTA Title VI Circular's general reporting requirements, which are also required by FHWA. Chapter Three provides evidence that the MPO has satisfied MPO-specific requirements. Finally, Chapter Four discusses how the MPO integrates Title VI and EJ requirements and principles into its transportation-planning activities.



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2.1 ANNUAL TITLE VI CERTIFICATIONS AND ASSURANCES

The MPO's FTA and FHWA Title VI assurances for FFY 2017 may be found at the beginning of this document.

2.2 NOTICE OF NON-DISCRIMINATION RIGHTS AND PROTECTIONS TO BENEFICIARIES

Title 49 Code of Federal Regulations (CFR) Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under USDOT Title VI regulations and to apprise members of the public of the protections against discrimination afforded to them by Title VI. The MPO notice, updated in 2015 and adapted from a MassDOT prototype, is reproduced in Appendix C. It includes translations of the following statement into seven languages (including simplified and traditional Chinese) in accordance with MassDOT's request: "If this information is needed in another language, please contact the Boston Region MPO's Title VI Specialist at 857-702-3700." These are displayed on the MPO's website and in multiple locations within MPO offices where members of the public likely would see them. The MPO website also contains translations of the full state and federal notices into seven languages. Links to the web version are also accessible through the MPO's standard email communications regarding vital documents and communications, which include, but are not limited to, notifications about public comment periods for certification documents and MPO-sponsored meetings. Should analysis by MPO staff show the need to include other languages, this notice will be updated accordingly.

2.3 MPO ENDORSEMENT

The MPO's endorsement is located at the front of the of the document. Please note that the text of the endorsement is not accessible to individuals with low or no vision who use a screen reader.

2.4 COMPLAINT PROCEDURES

In order to comply with both FTA and FHWA requirements, the MPO has developed procedures for receiving, investigating, addressing, and tracking Title VI complaints (these are posted on the MPO website and may be found in Appendix B).

2.5 TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

The Boston Region MPO has not received any Title VI complaints or been involved in any Title VI investigations or lawsuits since the 2014 triennial report.

2.6 BOSTON REGION MPO LANGUAGE ASSISTANCE PLAN

The MPO's policy is that LEP persons be neither discriminated against nor denied meaningful access to and participation in the programs, activities, and services provided by the MPO. To that end, MPO staff has developed a LAP to ensure that the MPO employs appropriate strategies for assessing the need for language services and implementing them in order to provide meaningful access to the MPO's transportation-planning process and published information, without placing undue burdens on the MPO's resources. The LAP (which may be found in Appendix D of this report) has been revised since the MPO's last Title VI triennial report. Also, in September 2014, the MPO published internally its *CTPS⁵ Non-discrimination Handbook* for the benefit of staff. This guide describes MPO protocol for document and web accessibility, accessibility requisites for all MPO and MPO-sponsored meetings, and information about civil rights requirements and communications with protected populations. Future LAP updates will reflect these and other changes, as appropriate.

2.7 MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

The MPO does not have any planning or advisory bodies for which the MPO selects the membership. The Regional Transportation Advisory Council (Advisory Council) is the only MPO advisory body that is not made up of MPO members or other elected officials. It is an independent group charged with providing a forum for education about metropolitan transportation-planning issues—including, but not limited to, transit—and a space for the public to offer input on the MPO's activities. The Advisory Council chair is also a voting member of the MPO board, and thus participation in the Advisory Council enables non-profits, government bodies, and members of the public to provide feedback to the MPO board on proposed plans, projects, and programs. Individuals are welcome to participate in all Advisory Council meetings, but membership is limited to public and private organizations and governmental units. Although entities volunteer for membership, it is made official by a vote of the existing members.

Staff is engaged in an ongoing effort to recruit entities that represent the interests of protected populations to participate in the Advisory Council. Organizations representing EJ populations are encouraged to participate in the Advisory Council via public outreach activities. During public participation events, staff recommends that these organizations attend Advisory Council meetings and consider applying for Advisory Council membership if doing so fits with their mission and goals.

⁵ Central Transportation Planning Staff (CTPS) is the name of the staff to the Boston Region MPO.

In 2017, one organization—the MBTA Rider Oversight Committee—joined the Advisory Council based on MPO staff’s suggestion that their attendance and participation could be useful. Because the Advisory Council member organizations are not selected by the MPO, a table depicting the racial breakdown of the membership is not included in this report.



CHAPTER 3

REQUIREMENTS SPECIFIC TO MPOS

3.1 MPO LANGUAGE AND ACCESSIBILITY COSTS AND RESOURCES

The MPO is committed to ensuring that its public documents and meetings are accessible to people with physical and/or cognitive disabilities, as well as to people with limited English proficiency. To that end, the MPO has allotted financial resources and staff time, as resources allow, accommodating these populations. Between April 1, 2016 and March 31, 2017, the MPO spent \$91,536 to provide materials in accessible formats (staff time costs), and \$3,354 on LEP services (staff time costs and as well as direct expenses associated with translation and interpretation services).

The MPO currently does not have statistics identifying the usage of translated and accessible documents on the MPO website. However, in 2017 staff initiated a comprehensive effort to collect this data via Google Analytics (see subsection 3.6 for more details on this effort).

No requests for interpretation services or for additional translations of MPO documents have been submitted in the last three years.

More details regarding the MPO's efforts to provide language services to LEP persons may be found in the Boston Region MPO's LAP (included in Appendix D) and in subsection 3.6. Details regarding the MPO's disability accommodations may be found in subsection 3.6.

3.2 DEMOGRAPHIC PROFILES

Metropolitan planning organizations are required to develop demographic profiles for the purpose of identifying minority populations under the FTA's Title VI Circular 4703.1B. The MPO also prepares demographic profiles for other Title VI EJ, LEP, and low-income populations. The data gathered during these efforts, as well as the profiles themselves—which consist of detailed maps and tables—contribute to the MPO's planning and analysis efforts in the course of developing 3C documents and programs, conducting UPWP studies, and undertaking public outreach.

The MPO has also identified other transportation equity populations—elderly, people with disabilities, zero-vehicle households, and female-headed households with children—based on other federal regulations. They are part of the MPO's TE program to improve outreach to populations who may be particularly affected by changes in the region's transportation system and who may face significant barriers to participating in the MPO's planning process.

MPO staff updates demographic profiles as new data become available. For this report, data from the 2010 Decennial Census and the 2010–2014 American Community Survey (ACS) were used. Because the MPO uses the transportation analysis zone

(TAZ) as the unit of analysis, population and household totals are adjusted to the 2010 Decennial Census totals; therefore, region-wide totals vary slightly between populations.⁶

3.2.1 Definitions of Title VI Populations, Environmental Justice Populations, and Other Transportation Equity Populations

Demographic profiles identify those TAZs within the MPO's region that exceed the regional threshold set for each of the seven transportation equity populations identified above. For most, the regional threshold is defined as the average of the population within the MPO region. The exception is the low-income population, whose threshold is 60 percent of the region's median household income. Data from the 2010–2014 ACS show that the region-wide median income is \$76,040 and that the low-income threshold is \$45,624. This threshold is used in most efforts related to the MPO's Title VI reporting and in the MPO's TE program, as well as equity analyses conducted for the LRTP. The MPO selected the 60 percent threshold because it more accurately reflects the high cost of living in the region than does the federal poverty guidelines that the FTA and FHWA recommend as an alternative for the low-income threshold. (The MPO's proposed TIP equity analysis uses 200 percent of the poverty level as the low-income threshold; see subsection 3.3 for a discussion of the analysis. Staff currently is evaluating the use this threshold in the other aspects of the MPO's TE program.) Low-income populations are defined as readily identifiable groups of low-income persons who live in geographic proximity, or, if warranted, geographically dispersed or transient populations.

The MPO uses the FTA's and FHWA's definition of minority persons: people who are American Indian/Alaska Native; Asian; Black/African American; Hispanic/Latino, regardless of race; and/or Native Hawaiian or other Pacific Islander. Minority populations are defined as readily identifiable groups of minority persons who live in geographic proximity, or, if warranted, geographically dispersed or transient populations. Persons with limited English proficiency are defined by federal regulations as persons for whom English is not their primary language and who have a limited ability to read, write, or understand English. For the purposes of Title VI reporting, FTA defines LEP persons as those aged five and older who report to the U.S. Census Bureau that they speak English less than "very well."⁷ (Non-LEP individuals are those who report speaking English "very well.") This definition is used by the MPO.

⁶ Because ACS data must be adjusted to the 2010 census population and household totals, the MPO will continue to use 2010–2014 ACS data until 2020 Census data is released, as it is the last ACS release that contains 2010 survey data.

⁷ "Less than very well" includes individuals who report to the U.S. Census Bureau that they speak English "well," "not well," or "not at all."

3.2.2 Demographic Profiles for Title VI and EJ Populations

Minority

For the purposes of Title VI, individuals are classified as “minority” on the basis of both race and ethnicity. Table 1 shows the racial characteristics of the Boston Region MPO area, based on self-identification as one of the racial categories on the Census form. Table 2 shows the ethnic characteristics of the population—regardless of race—based on self-identification as being of Hispanic or Latino descent. Table 3 shows the total minority population for both race and ethnicity. Data for all three tables are derived from the 2010 Decennial Census, according to which 878,164 people belong to a minority race or ethnicity in the MPO region, or 27.8 percent of the total population. The largest racial minority group is Black/African American, making up 8.6 percent of the region’s population. Hispanics/Latinos, of any race, make up 9.1 percent of the region’s population.

Table 1
Racial Characteristics of the Boston Region MPO

Racial Minority*	Population	Percent of Population
Black/African American	272,320	8.6%
American Indian/Alaska Native	7,625	0.2%
Asian	239,640	7.6%
Native Hawaiian/other Pacific Islander	1,052	0.03%
Another race	142,703	4.5%
Two or more races	84,889	2.7%
White	2,413,532	76.3%
Total Racial Minority Population	748,229	23.7%
Total Population	3,161,761	100%

*Includes those who identify their ethnicity as either Hispanic/Latino or non-Hispanic/Latino.

MPO = Metropolitan planning organization.

Source: Source: Decennial US Census, 2010.

Table 2
Hispanic Characteristics of the Boston Region MPO

Ethnicity*	Population	Percent of Population
Hispanic (White)	129,935	4.1%
Hispanic (non-White)	159,125	5.0%
Non-Hispanic (any race)	2,872,701	90.9%
Total Hispanic Population	289,060	9.1%
Total Population	3,161,761	100%

*Includes those who identify as any race, including White.
MPO = Metropolitan planning organization.
Source: Source: Decennial US Census, 2010.

Table 3
Minority Characteristics of the Boston Region MPO

Minority	Population	Percent of Population
Racial minority (Hispanic or non-Hispanic)	748,229	23.7%
Hispanic (White)	129,935	4.1%
Total Minority Population	878,164	27.8%
Total Population	3,161,761	100.0%

MPO = Metropolitan planning organization.
Source: Source: Decennial US Census, 2010.

One-third of the MPO's 1,943 TAZs (653) exceed the regional minority threshold of 27.8 percent (Table 4). Figure 1 illustrates those TAZs that exceed the regional threshold for minority population.

Table 4
Minority Population and Transportation Analysis Zones

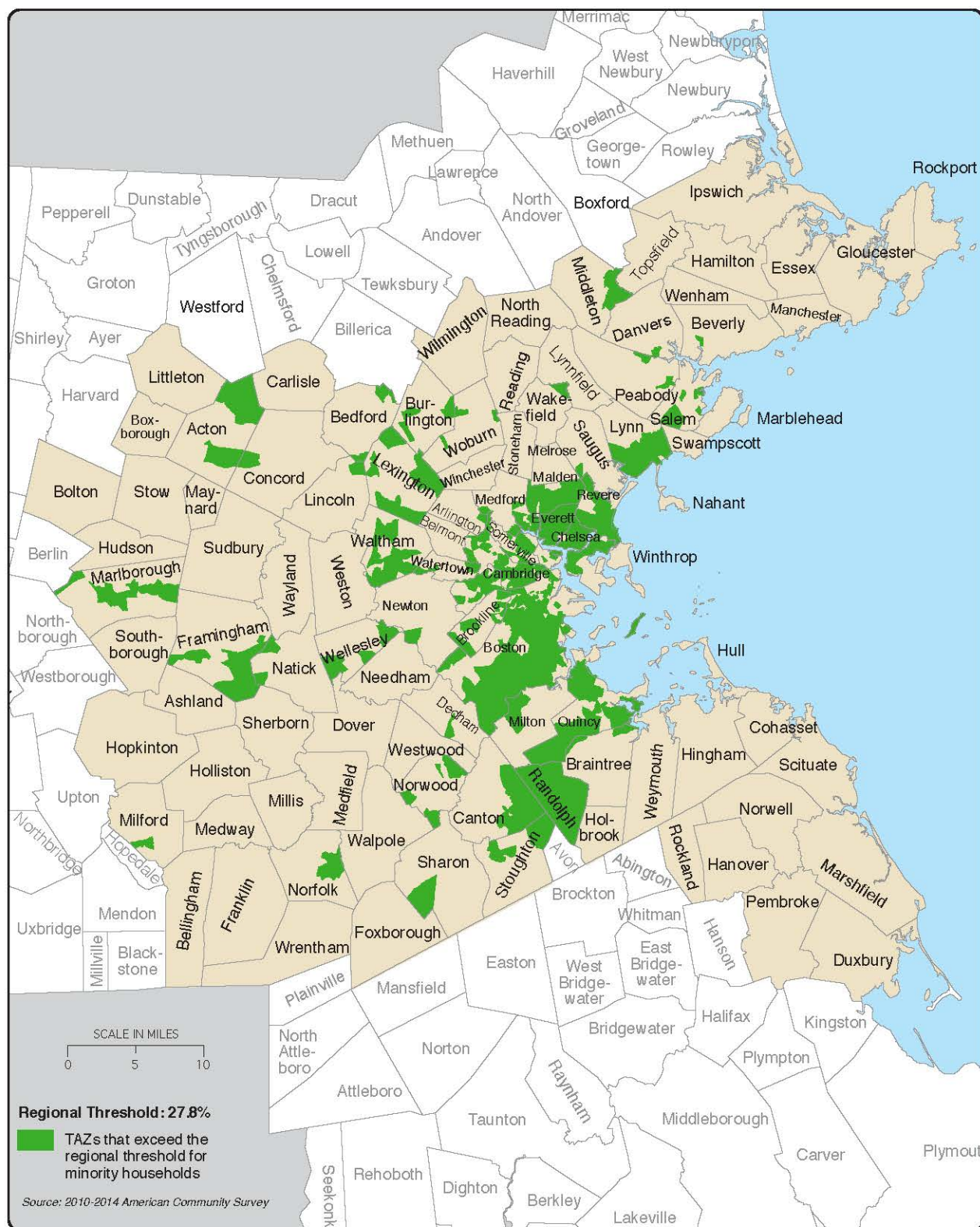
Total Population	Minority Population*		Total TAZs	Minority TAZs	
	Count	Regional Threshold		Count	Percent
3,161,761	878,164	27.8%	1,943	653	33.6%

*Includes all who identify as any race other than White (regardless of ethnicity), as well as those who identify their race as White and their ethnicity as Hispanic/Latino.

TAZ = Transportation analysis zone.

Source: Decennial US Census, 2010.

Minority Transportation Analysis Zones



Limited English Proficiency

Data from the 2010–2014 ACS show that 10.4 percent of the MPO population who are five years and older have limited English proficiency. Table 5 shows the number and percent of the general population and the LEP population that are LEP, as well as those TAZs that exceed the regional threshold of 10.4 percent.

Table 5
LEP Population and Transportation Analysis Zones

Population ≥ 5 Years	LEP Population*		Total TAZs	LEP TAZs	
	Count	Regional Threshold		Count	Percentage
2,985,274	311,134	10.4%	1,943	606	31.2%

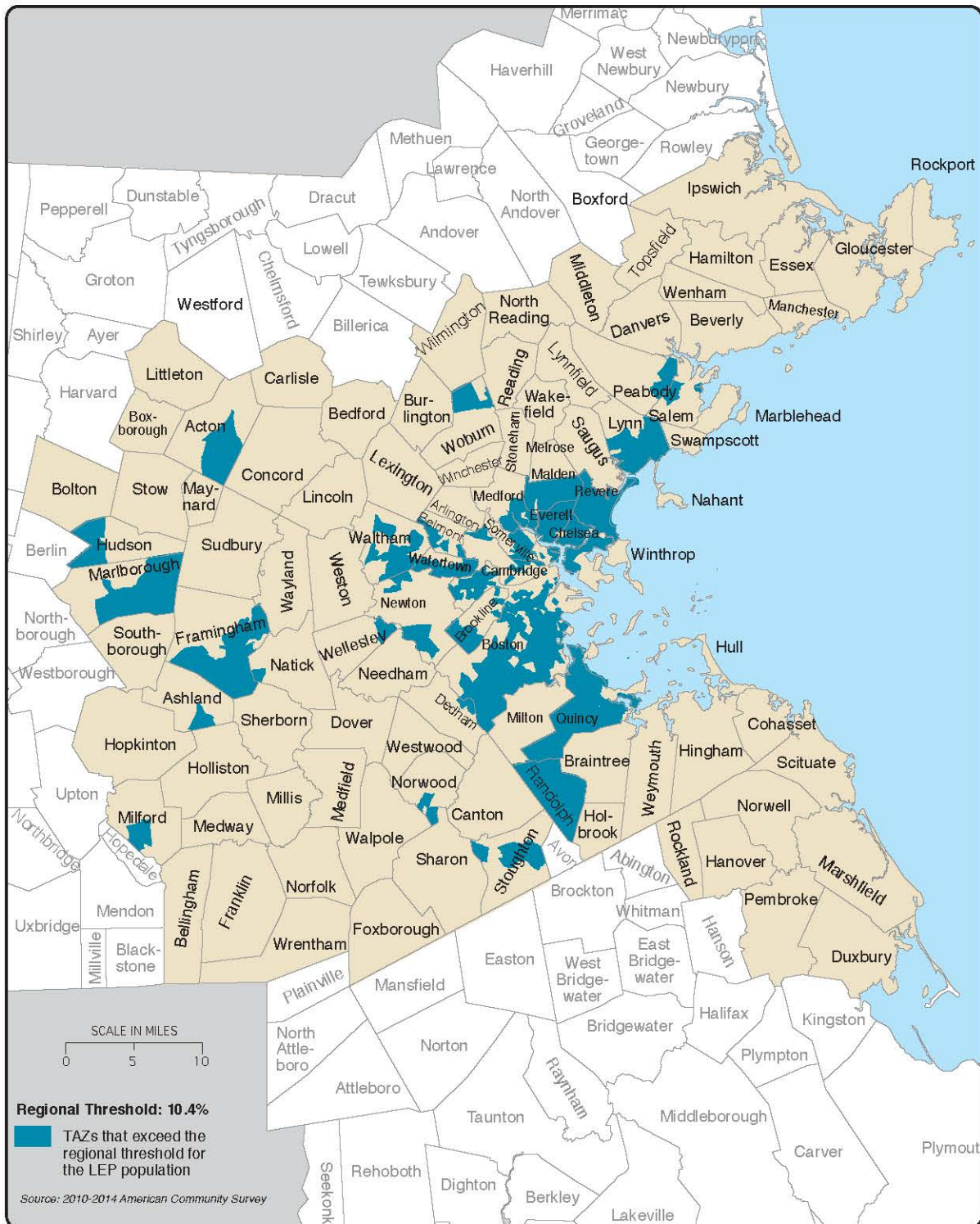
*Persons who speak English less than “very well” according to the American Community Survey.

LEP = Limited English proficiency. TAZ = Transportation analysis zone.

Source: American Community Survey, 2010–2014.

Figure 2 shows where LEP TAZs are located within the MPO region. Maps that show the distribution of where safe harbor languages are spoken may be found in Appendix D, the Boston Region MPO’s 2017 Language Assistance Plan.

Figure 2
Limited-English Proficiency Transportation Analysis Zones



The MPO identified the region's safe harbor languages as part of the LAP—non-English languages that are spoken “well,” “not well,” or “not at all” by at least 1,000 people or at least 5 percent of the population (whichever is less). These languages are listed in Table 6. Note that the number of LEP persons who speak safe harbor languages (286,379) is less than the total number of LEP persons in the region (310,999). This is because safe harbor languages do not include every non-English language that is spoken, only those that meet one or both of the thresholds. Spanish is the most commonly spoken non-English language, with approximately 105,380 speakers, which is 33.9 percent of all LEP persons and 3.5 percent of the entire population aged five and older. It is followed by Chinese, Portuguese, French Creole, and Vietnamese. Speakers of safe harbor languages make up 9.6 percent of the region's population age five and older.⁸

Although the MPO identifies all of the safe harbor languages within the region, vital documents are not translated into all of these languages. The MPO does not come into contact with LEP persons on a frequent or regular basis; thus, translating vital documents into all 19 safe harbor languages would be unnecessarily cost-prohibitive. Additionally, while transportation improvements resulting from the MPO's planning and programming decisions have an impact on all residents' mobility and quality of life, denial or delay of access to the MPO's activities would not have immediate or life-threatening implications for LEP persons.

The MPO will continue to evaluate language needs and balance these with available resources by collecting website translation usage, reaching out to LEP persons and organizations that represent them, and analyzing language datasets such as the ACS.

Table 6
Safe Harbor Languages Spoken in the Boston Region MPO

Language	LEP Population ^a	Pct. of LEP Population ^b	Pct. of MPO Population
Spanish	105,380	33.9%	3.5%
Chinese	49,909	16.0%	1.7%
Portuguese	34,795	11.2%	1.2%
French Creole	21,566	6.9%	0.7%

⁸ Data suppression inherent to language tables in the ACS causes LEP totals from these data to differ from those in the ACS tables from which overall English language proficiency is derived. The total LEP population from the language tables is 310,999, while the LEP population estimate is 311,134 from the English language proficiency tables. To address this issue, the MPO uses overall English language proficiency totals when calculating the LEP population for the region, and uses the language LEP population when identifying safe harbor languages.

Table 6 (cont.)

Language	LEP Population ^a	Pct. of LEP Population ^b	Pct. of MPO Population
Vietnamese	15,086	4.9%	0.5%
Russian	11,761	3.8%	0.4%
Arabic	9,747	3.1%	0.3%
Italian	7,792	2.5%	0.3%
French	5,796	1.9%	0.2%
Korean	5,330	1.7%	0.2%
Greek	3,701	1.2%	0.1%
Mon-Khmer, Cambodian	3,145	1.0%	0.1%
Japanese	2,749	0.9%	0.1%
Hindi	2,063	0.7%	0.1%
Polish	1,747	0.6%	0.1%
Armenian	1,627	0.5%	0.1%
Gujarati	1,562	0.5%	0.1%
Tagalog	1,376	0.4%	0.0%
Persian	1,247	0.4%	0.0%
Total LEP Safe Harbor Language Speakers	286,379	92.1%^c	9.6%
Total LEP Population	310,999	100.0%	10.4%
Total LEP Population ≥ 5 Years	2,985,333	N/A	100.0%

^aPersons who speak English less than “well,” not well,” or “not at all” according to the ACS. Non-LEP individuals are those who report speaking English “very well.”

^bThe total LEP population used in this column is 310,999. Note that it differs from the estimate given in Table 5 (311,134). See Footnote 4 for an explanation.

^c7.9% of LEP persons does not speak a safe harbor language.

LEP = Limited English proficiency. MPO = Metropolitan planning organization. N/A = Not available or applicable.

Source: American Community Survey, 2010–2014.

Low-income

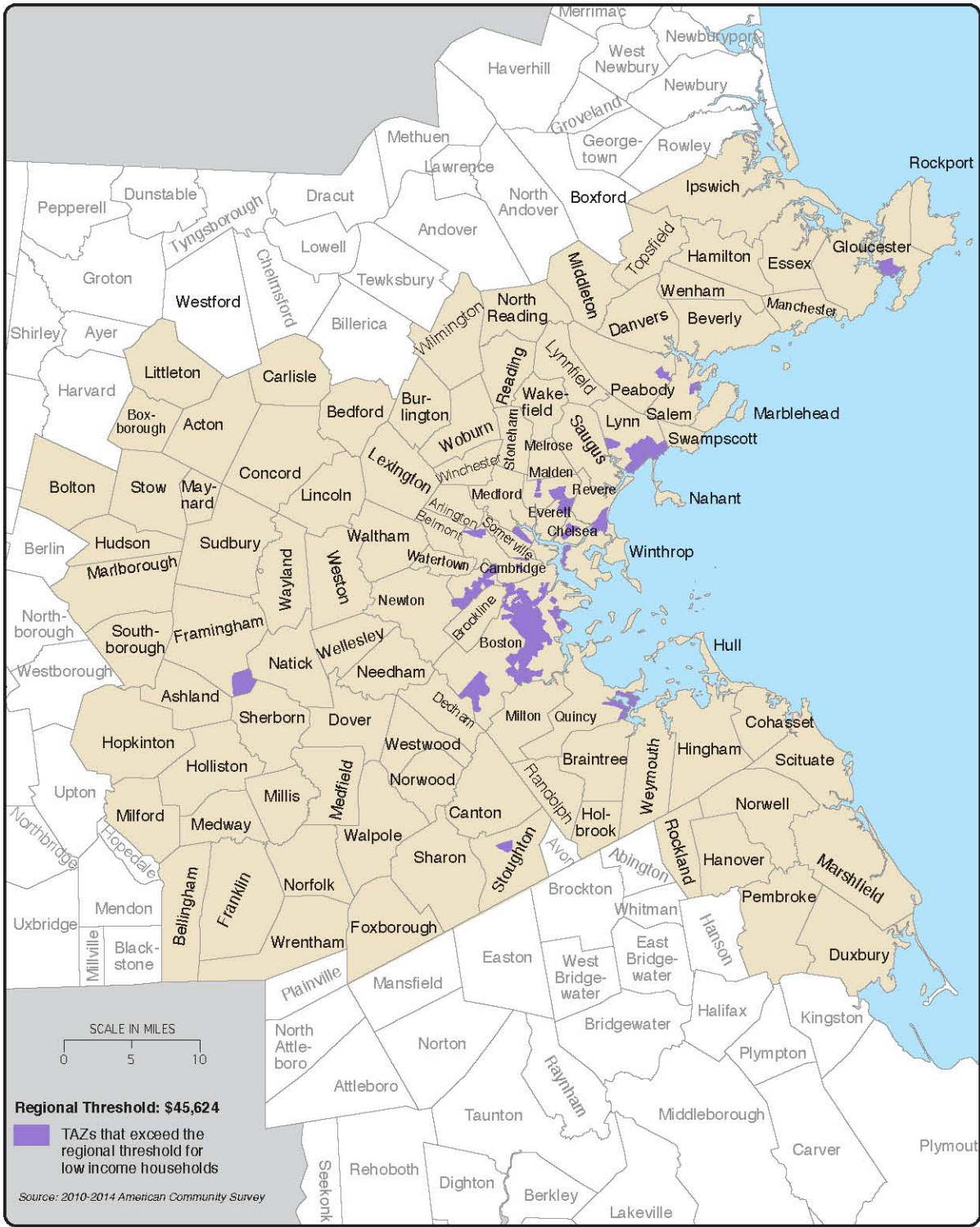
Table 7 shows the number of low-income households in the region and the number of TAZs with a median household income that falls below the regional threshold of \$45,624. Of the 1,943 TAZs in the MPO region, 10.0 percent are low-income TAZs, while 32.2 percent of households are in low-income TAZs. Figure 3 shows the location of low-income TAZs in the MPO region.

Table 7
Low-income Households and Transportation Analysis Zones

			Low-income HHs			Low-income TAZs	
Median HH Income	Regional Threshold	Total HHs	Count	Pct.	Total TAZs	Count	Pct.
\$76,040	\$45,624	1,243,195	399,815	32.2%	1,943	194	10.0%

HH = Household. TAZ = Transportation analysis zone.
Source: American Community Survey, 2010–2014.

Low-Income Transportation Analysis Zones



3.2.3 Demographic Profiles for Other TE Populations

In addition to the populations protected under Title VI and the EJ EO, FHWA includes populations defined on the basis of sex, age, and disability under its Title VI/non-discrimination program. The MPO consequently includes other populations in its TE program with the goal of improving their access to the MPO's transportation-planning process and considering their needs in the decision-making process.

To select additional populations, the MPO identified indicators of potential disadvantage. These are based on demographic characteristics that are associated with populations that rely heavily on public transportation, have limited resources to adapt to significant changes in the transportation system, and are under-represented in the metropolitan transportation-planning process. In addition to minority, low-income, and LEP status, the indicators of potential disadvantage that the MPO selected include the concentrations of people with disabilities, the elderly (75 years of age and older), female-headed households with children (FHC), and zero-vehicle households. MPO staff makes concerted efforts to understand the transportation needs of these populations through a combination of data analysis and public outreach.

In demographic profiles, the MPO identifies TAZs in which the population of each indicator of potential disadvantage equals or exceeds the percent in the entire MPO region. The maps that show the distribution of these TAZs for elderly, female-headed households with children, people with disabilities, and zero-vehicle households are contained in Appendix E of this report. Table 8, below, shows the distribution of TAZs that exceed the regional thresholds for each of the four other indicators of potential disadvantage.

Table 8
Other Transportation Equity Populations

TE Population	MPO Population or HHs	TE Population or HHs	TE Pct of MPO Population or HHs	Total MPO TAZs	TE TAZs	Pct. TE TAZs
Elderly population	3,161,844	211,355	6.7%	1,943	744	38.3%
Female-headed households with children	1,243,176	143,781	11.6%	1,943	622	32.0%
People with disabilities	3,161,436	317,559	10.0%	1,943	816	42.0%
Zero-vehicle households	1,243,223	197,898	15.9%	1,943	659	33.9%

MPO = Metropolitan planning organization. HH = Household. TE = Transportation Equity
TAZ = Transportation analysis zone.

Sources: American Community Survey, 2010–2014; Decennial US Census, 2010.

Elderly

The MPO considers elderly persons those who are 75 years of age or older. As of the 2010 Decennial Census, 6.7 percent of the MPO's population (211,355 people) is elderly (Figure E-1, Appendix E), and 38.3 percent, or 744 TAZs, equals or exceeds the threshold based on the regional average of 6.7 percent.

Female-Headed Households with Children

Female-headed households with children are family households maintained by a female in which no spouse is present (Figure E-2, Appendix E). The region has 197,898 FHWC households, which is 11.6 percent of all households, and 32.0 percent, or 622 TAZs, equals or exceeds the threshold based on the regional average of 11.6 percent.

People with Disabilities

This profile includes people with a physical or cognitive disability, as self-reported in the 2010–2014 ACS. Ten percent of the population (or 317,559 people) has a disability (Figure E-3, Appendix E). Forty-two (42) percent of TAZs equal or exceed the threshold based on the regional average of 10.0 percent.

Zero-Vehicle Households

The final demographic indicator is households that do not have access to a personal vehicle (Figure E-4, Appendix E). Out of 1,243,223 households, 15.9 percent, or 197,898,

do not have access to a vehicle, and thus rely on other means of transportation. Of the TAZs in the region, 33.9 percent, or 659 TAZs, equals or exceeds the threshold based on the regional average of 15.9 percent.

In response to comments during the Boston Region MPO's latest certification review, the MPO has also identified populations of youth (younger than age 18) and those who live in group quarters.

Youth

The MPO region contains 655,290 people who are younger than 18 years, or 20.7 percent of the population (Figure E-6, Appendix E). Table 9 below shows the age distribution of the MPO region's population.

Table 9
Age Distribution of Boston Region MPO

Age Group	Population	Pct. of Population
Younger than five years	176,380	5.6%
Five to nine years	179,023	5.7%
10 to 14	184,084	5.8%
15 to 19 years	212,981	6.7%
Younger than 18 years	655,290	20.7%
20 to 24	248,446	7.9%
25 to 29	248,700	7.9%
30 to 34	215,618	6.8%
35 to 39	208,006	6.6%
40 to 44	223,929	7.1%
45 to 49	240,779	7.6%
50 to 54	229,927	7.3%

Table 9 (cont.)

Age Group	Population	Pct. of Population
55 to 59	200,307	6.3%
60 to 64	170,433	5.4%
65 to 69	121,557	3.8%
70 to 74	90,319	2.9%
75 and older	211,355	6.7%
65 and older	423,231	13.4%
Total	3,161,844	100.0%

Source: Decennial US Census, 2010.

Group Quarters

The MPO has also identified people who live in group quarters within the MPO region (Figure E-7, Appendix E). These people do not live in housing units (house, apartment, mobile home, or rented rooms); rather, they live in institutional group quarters that include correctional facilities, nursing homes, and mental hospitals; or in non-institutional group quarters that include college dormitories, military barracks, group homes, missions, and shelters. Within the MPO region, 31,302 people live in institutional group quarters, and 93,107 people live in non-institutional group quarters. Of the latter, 78,812 people live in college dormitories, which represents 63.4 percent of the group quarters population.

Demographic Profile for Communities of Potential Disadvantage

For public participation purposes, the MPO has developed a method to identify communities that may be especially vulnerable to changes in the transportation system, and that might be excluded from participating in the MPO's transportation planning process. These are called "communities of potential disadvantage." Knowing about them helps the MPO to prioritize its outreach to and communication with these communities; and staff anticipates that it will use this identification method for public participation purposes in the upcoming fiscal year.

The MPO now defines communities of potential disadvantage as TAZs in which the percent of the population meets the MPO's regional thresholds for either 1) minority or low-income, or 2) three other demographic indicators (such as LEP, elderly, FHWC, people with disabilities, or zero-vehicle households). There is no minimum population a TAZ must have for it to be considered a community of potential disadvantage. Figure E-5 in Appendix E shows the TAZs in the region that are communities of potential disadvantage. It indicates that 1,382,811 people live in communities of potential disadvantage, within 52 municipalities; 809 TAZs, or 41.6 percent, are communities of potential disadvantage.

This analysis is an important source of information for the MPO's public participation efforts, as it helps to identify opportunities for public outreach with communities that are the most at risk of not being heard. It also provides information about how to address the language needs of communities. Identifying communities of potential disadvantage does not replace the MPO's practice of recognizing individual populations within TAZs; rather, it contributes to the MPO's public outreach as it allows staff to identify communities that are potentially at the greatest risk of not being involved in the MPO transportation-planning process.

3.3 IDENTIFICATION OF BENEFITS AND BURDENS

The potential impacts of proposed projects—disparate impacts for minority populations and disproportionate burdens for low-income populations—have been considered in the MPO's LRTP since 2006. In addition, the MPO recently undertook an effort to develop a methodology that will enable staff to do a similar analysis for the MPO's TIP. The goal of both analyses is to determine whether projects within each plan/program would cause disparate impacts or disproportionate burdens to minority or low-income communities compared to non-minority and non-low-income communities. The MPO calls this type of analysis an equity analysis.

To complete an equity analysis, although not required to, MPO staff has developed a draft disparate impact/disproportionate burden policy that sets thresholds for determining whether a set of projects will cause a disparate impact or disproportionate burden for minority and low-income populations, respectively. The analysis comprises several steps. First, the MPO uses a travel demand model to evaluate the impacts of a collection of projects. Selected metrics are calculated for minority, non-minority, low-income, and non-low-income populations. This is done twice, once for the build scenario and once for the no-build scenario. Then, for each population, the differences between the results of the two scenarios are calculated. Finally, these results are compared: between minority and non-minority populations and between low-income and non-low-income populations. If the ratio of each equals or exceeds the threshold of 1.20, then there is a disparate impact or disproportionate burden, respectively.

The threshold of 1.20—which is widely used by other MPOs—is based on two insights. First, because the model will never produce perfect results, a 10 percent margin of error is included in the model as a matter of course. Second, staff has determined that as much as a 10 percent difference in receipt of benefits or burdens is reasonable. Therefore, the MPO’s policy states that a disparate impact exists for a metric if the result shows that minority populations are subject to 20 percent or more of a burden or receive 20 percent or less of a benefit relative to non-minority populations. A disproportionate burden exists if low-income populations are subject to 20 percent or more of a burden or receive 20 percent or less of a benefit relative to non-low-income populations. As a part of the TE program, staff will revisit this draft policy and anticipates that it will be finalized during FFY 2018.

3.3.1 Long-Range Transportation Equity Analyses

In 2015, the MPO adopted a new LRTP, *Charting Progress to 2040*. Using the thresholds in the draft DI/DB policy, staff performed an equity analysis on two scenarios to determine whether the projects in the proposed plan would cause a disparate impact or disproportionate burden to minority and low-income populations, respectively. The MPO’s draft DI/DB policy states that if the ratio between the investments for low-income/minority and non-low-income/non-minority populations exceeds 1.20, then a disparate impact or disproportionate burden exists. (You may find the full analysis in Appendix F, along with an updated analysis resulting from a 2016 LRTP amendment.) The draft policy was developed in the context of the LRTP, and is not meant to be used for other analyses that need a DI/DB policy. Based on recent studies, staff has determined that different DI/DB policies should be developed for the TIP equity analysis (see subsection 3.3.2) and the analysis of TIP public transit investments (see subsection 3.4.2), and that all three DI/DB policies should set distinct thresholds for each metric that is being analyzed.

The two scenarios analyzed in the LRTP are:

1. **No-build scenario:** the set of projects that are currently funded by the MPO until 2040
2. **Build scenario:** the set of projects recommended in the LRTP, in addition to those that are currently funded, through 2040

The analysis looked at how the scenarios would impact mobility, accessibility, and auto emissions for low-income and minority communities, and compared these impacts to those on non-low-income and non-minority communities.

These three categories included the following metrics:

- **Accessibility:**
 - o Average transit travel times within a 40-minute transit ride to 1) industrial, retail, and service jobs; 2) institutions of higher education (weighted by enrollment); and 3) hospitals (weighted by number of beds)
 - o Average highway travel times within a 20-minute drive to 1) industrial, retail, and service jobs; 2) institutions of higher education (weighted by enrollment); and 3) hospitals (weighted by number of beds)
- **Mobility:**
 - o Average transit travel times for trips produced and attracted to each TAZ
 - o Average highway travel times for trips produced and attracted to each TAZ
- **Emissions:**
 - o Average congested vehicle-miles traveled (VMT)
 - o Average VMT
 - o Carbon monoxide emitted per square mile

The results showed that the recommended projects in *Charting Progress to 2040* would not cause disparate impacts or disproportionate burdens to minority or low-income populations for any of the metrics. The MPO will continue to examine and refine the methodology used for this analysis in future LRTPs in order to ensure that it accurately reflects best practices as well as the transportation challenges that low-income and minority communities within the region face.

3.3.2 Transportation Improvement Program Equity Analysis

In 2016 and 2017, MPO staff undertook a UPWP study, *Systemwide Title VI/ Environmental Justice Assessment of TIP Projects*, to develop a methodology for determining whether programmed projects, in the aggregate, within a given TIP will cause disparate impacts for minority populations and disproportionate burdens for low-income populations. The goal of this was to develop a workable “proof-of-concept” that showed that the analysis could be completed.

The study was performed on roadway projects in the FFYs 2016–2020 TIP. Staff selected two metrics with which to analyze the impacts on drivers traveling on TIP project roads, traffic safety, and travel time. New analysis methods were developed

that used the travel demand model as well as off-model approaches. Staff successfully developed a “proof-of-concept” methodology, showing that identifying disparate impacts and disproportionate burdens on minority and low-income populations is feasible. Because the methodology has not been finalized, the results are not presented here. The MPO expects to finalize the methodology in FFY 2018.

The methodology will continue to be refined, and DI/DB policy will be developed that determines whether the results of this analysis cause disparate impacts and disproportionate burdens. Based on the challenges they encountered during the study, MPO staff identified several potential modifications to the methodology that they will examine. These include analyzing people who live adjacent to TIP projects, exploring additional roadway user metrics, and including public transit projects in the analysis. Other methodological refinements related to the MPO’s travel demand model are also planned. It is anticipated that the final methodology will be used on future TIPs adopted by the MPO.

3.4 ANALYSES OF FEDERAL FUNDS DISTRIBUTION

The Boston Region MPO has completed three analyses that examined the distribution of TIP funding. The first consists of a geography-based method that determined the percent of Title VI, EJ, and other protected populations that are served by TIP projects of all modes. The second is a funding distribution analysis that shows where TIP projects are located relative to the location of TAZs that exceed the minority and/or low-income thresholds. The third TIP analysis is a use-based method, which, based on the share of their use of public transit, analyzes the impacts of the distribution of state and federal funds for public transit purposes in the aggregate to low-income and minority passengers. Staff also completed an analysis that examined the geographical distribution of UPWP funds among municipalities in the MPO region. As per federal guidance, minority and low-income populations were analyzed separately in all three analyses.

3.4.1 Geographical Distribution Analysis and Mapping of TIP Projects

MPO staff completed an analysis and map of projects in the FFYs 2017–2021 TIP. This report examined the distribution of all MPO target-funded projects that serve TAZs that exceed regional thresholds for TE populations, relative to their population within the MPO region. The map shows the location of transit projects in the TIP, overlaid upon TAZs that exceed the regional thresholds of low-income and/or minority populations.

Analysis of TIP Target-funded Projects

MPO staff analyzed target-funded projects in the FFYs 2017–2021 TIP to assess whether they were distributed equitably among TAZs that exceed the regional thresholds of TE populations. These populations were: minority, low-income, LEP, elderly, people with disabilities, and zero-vehicle households. The regional threshold for each TE population was based on the average percent of that population in the MPO region, with the exception of the low-income group. For many years, the MPO has set the threshold for low-income at 60 percent of the MPO region’s median household income. The MPO included low-income populations and other transportation equity populations in order to understand how transportation investments impact EJ and other vulnerable populations.

Table 10 shows the percent of each TE population (persons or households) that is served by TIP projects, as well as the entire population that is served. A project was considered to serve a TE population if it was located within one-half mile of a TAZ in which a TE population exceeded its regional threshold. (The thresholds are the same as those identified in the demographic profiles in section 3.2.) The fourth column shows the percent of the TE population or households that were served. These exceeded the respective thresholds for all of the TE populations, indicating that projects within the TIP were equitably distributed among residents who belong to TE populations and those that do not, relative to their proportion of the total population.

Table 10
Transportation Equity Populations Served by MPO Investments in
FFYs 2017–2021 TIP

TE Population	TE Population/ HHs Served	Total Population/ HHs Served	Pct. TE Population/ HHs	Regional Threshold
Minority population	138,618	323,265	42.9%	27.8%
Low-income households	50,815	128,028	39.7%	32.2% ^a
LEP population	53,531	304,904	17.6%	10.4%
Elderly population ^b	44,555	323,265	13.8%	6.7%
Population with disabilities	32,631	320,135	10.2%	10.0%
Zero-vehicle households	35,947	128,028	28.1%	15.9%

^a The income threshold is \$45,624.

^b Age 75 years or older.

HH = Household. LEP = Limited English proficiency. TE = Transportation Equity.

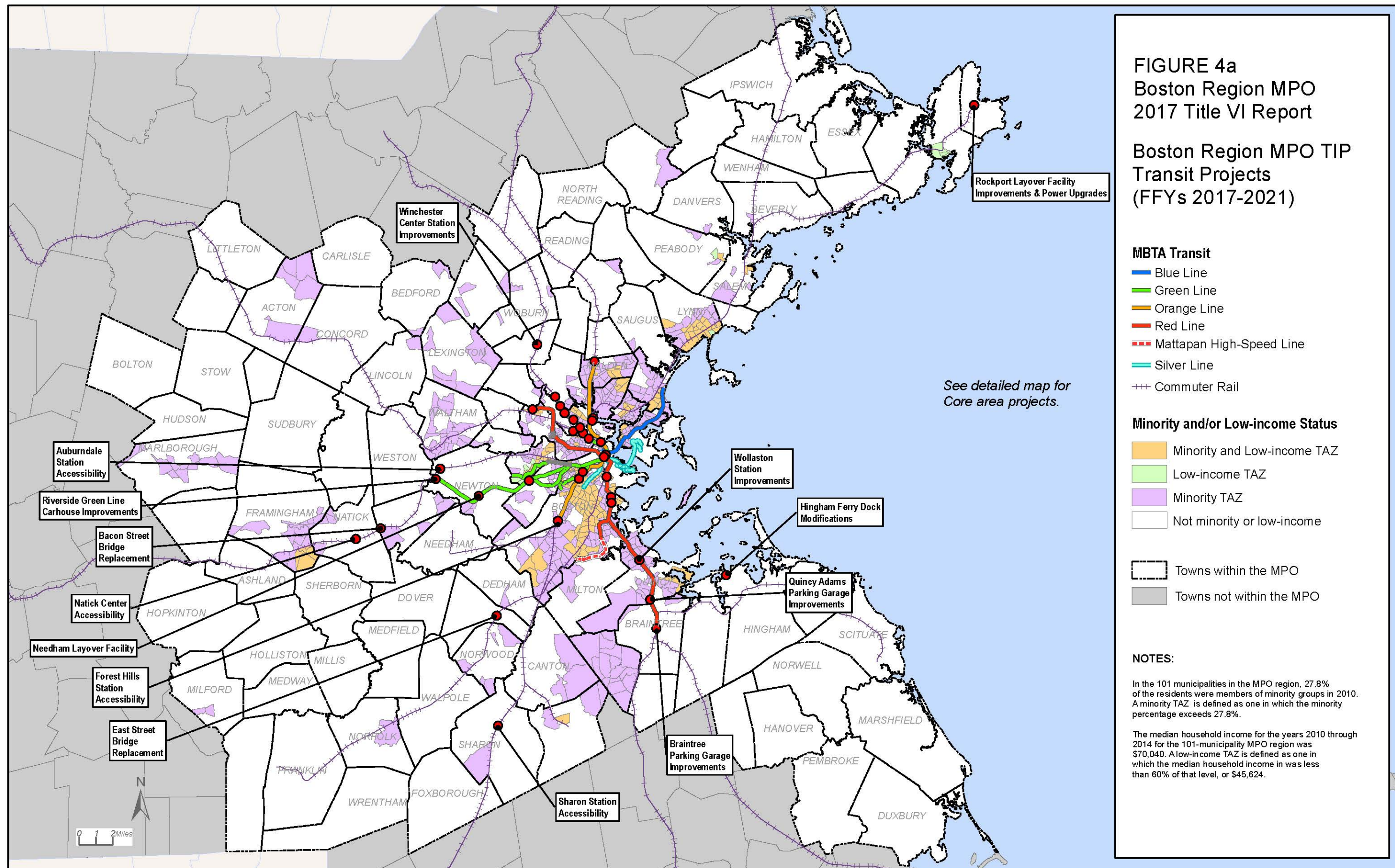
Sources: American Community Survey, 2010–2014; Central Transportation Planning Staff; Decennial US Census, 2010.

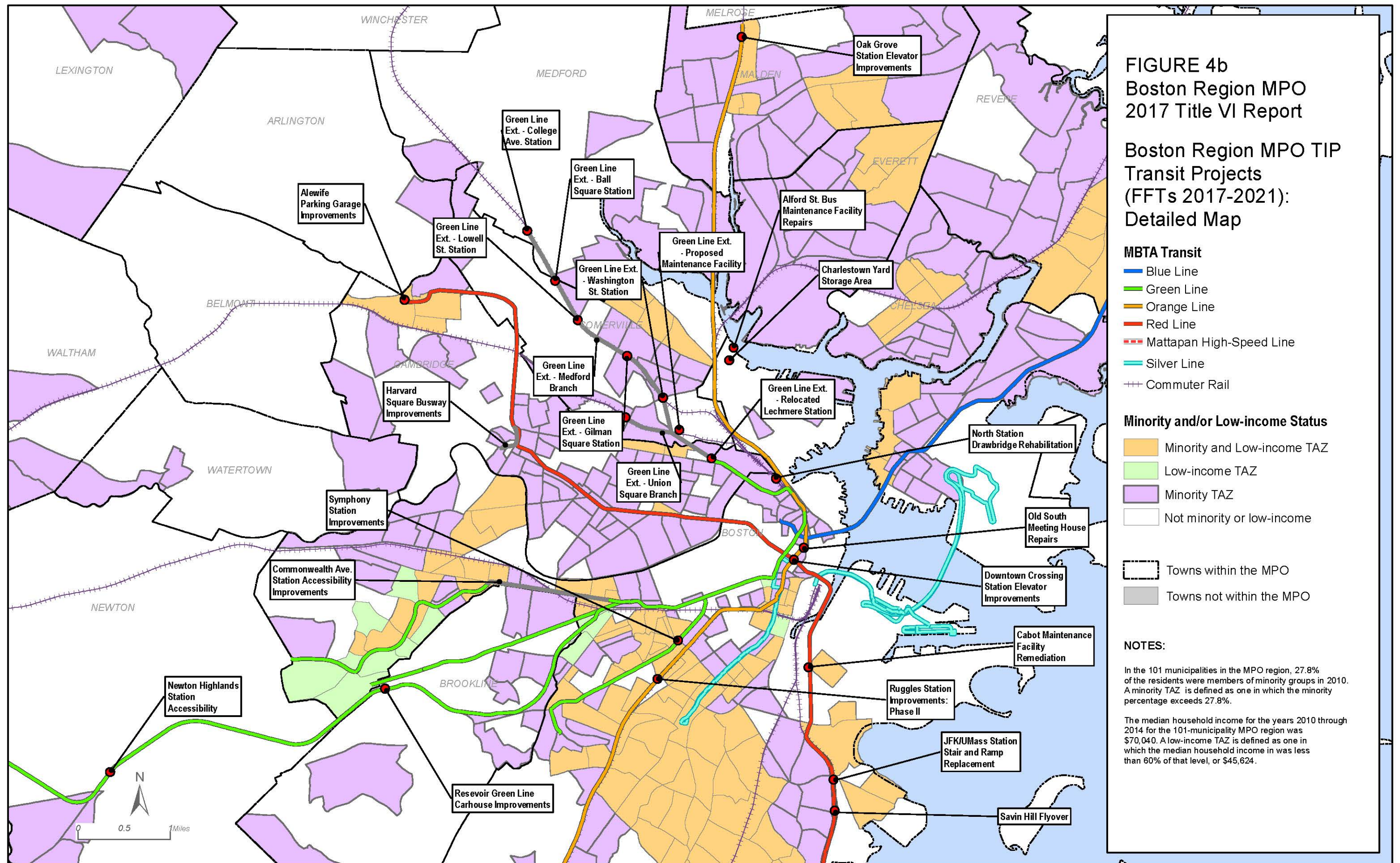
Mapping of TIP Public Transit Projects

Figures 4a and 4b show the location of transit projects in the FFYs 2017–2021 TIP in the MPO region, as well as the location of TAZs that exceed the thresholds for low-income and/or minority populations. The projects included are only those with a physical location, such as improvements to stations, garages, and commuter rail or subway lines. Vehicle purchases, for example, are not included. The maps also do not indicate whether the investments are system-wide or which transit lines or passengers they benefit. To investigate the distribution of these benefits, staff undertook an analysis of all public transit investments whether or not they were mapped; these are described in subsection 3.4.2.

There are several data challenges that would facilitate a more accurate mapping of public transit-related TIP projects. For example, beyond the first year of the TIP, it is often unclear which projects will be undertaken under the various MBTA

funding programs. Data are especially scarce for bus improvements, such as vehicle acquisition—that is, for which lines or garages will the new buses be used. Without this information, bus improvements cannot be mapped. Similarly, transit funding programs such as the elevator program, positive train control, and systems upgrades often cannot be mapped because the stations, facilities, or lines that will receive the improvements have not yet been identified. (These challenges are also applicable to the analysis of public transit-related TIP projects described in subsection 3.4.2. They are compounded by the fact that ridership data will necessarily be coarse as some of the funding programs have not yet been allocated to specific routes and lines.)





3.4.2 Analysis of TIP Public Transit Investments

In keeping with FTA Title VI requirements, the MPO analyzed the distribution to low-income and minority passengers of state and federal funds in the aggregate for public transit projects in the FFYs 2017–2021 TIP. Included in this analysis were MBTA, MetroWest Regional Transit Authority (MWRTA), and Cape Ann Transportation Authority (CATA) projects, as well as MPO target-funded transit projects. Projects were included only if they were expressly for transit purposes, such as infrastructure improvements, maintenance, and vehicle purchases, and if they were funded with state and/or federal dollars. Roadway improvements were not included, even if they would potentially benefit bus passengers. The analysis was performed with the assumption that all investments result in a net benefit to transit passengers.

Analytical Methodology

Public transit ridership was derived from the 2008–2009 MBTA Systemwide Passenger Survey (SPS). Respondents were divided into four populations: low-income or non-low-income and minority or non-minority. Data from the 2010 Census and ACS were used to calculate thresholds for low-income and minority populations within the MPO because these data releases were concurrent with the SPS. Using data from the 2010 ACS, low-income respondents were those whose annual household income was less than 60 percent of the MPO region's median household income of \$70,829, or \$42,427. (However, the SPS income category that most closely matched the low-income threshold was between \$43,000 and \$39,999. Therefore, any respondent who selected this category or a lower income one was considered low-income for the purposes of this analysis.) Minority respondents were those who reported being American Indian or Alaskan Native, Asian, Black/African American, Hispanic/Latino of any race, and/or Native Hawaiian or Pacific Islander in the 2010 Decennial Census. Tables 11 and 12 show the transit mode shares from the SPS for low-income, non-low-income, minority, and non-minority respondents. Note that the totals are not identical because of the variation in weights⁹ that were applied to each population.

⁹ The SPS only sampled a portion of the total ridership. Therefore, the survey responses from each station or route were weighted to equal typical boardings during the survey hours using the most recently available ridership figures.

Table 11
MBTA Ridership by Minority Status

Transit Mode	Minority	Non-minority	Percent Minority	Pct. Non-minority
Rapid transit	81,183	203,518	28.5%	71.5%
Bus	94,461	104,489	47.5%	52.5%
Commuter rail	7,894	46,864	14.4%	85.6%
Commuter boat	140	2,219	5.9%	94.1%
MBTA System Total	183,678	357,090	34.0%	66.0%

Source: MBTA Systemwide Passenger Survey, 2008–2009.

Table 12
MBTA Ridership by Income

Transit Mode	Low-income	Non-low-income	Percent Low-income	Pct. Non-low-income
Rapid transit	64,107	201,869	24.1%	75.9%
Bus	74,127	104,666	41.5%	58.5%
Commuter rail	3,602	46,682	7.2%	92.8%
Commuter boat	97	2,006	4.6%	95.4%
MBTA System Total	141,932	355,222	28.5%	71.5%

Source: Central Transportation Planning Staff; MBTA Systemwide Passenger Survey, 2008–2009.

The analysis compared the investment per passenger for the low-income population to that for the non-low-income population and the investment per passenger for the minority population to that for the non-minority population.

The following steps were taken to determine the investment per passenger:

1. Using the SPS, the ridership percentages of minority, non-minority, low-income, and non-low-income populations were calculated for each transit mode (bus, rapid transit, commuter rail, and commuter boat). Percentages were also calculated by line for rapid transit and commuter rail.
2. Ridership percentages for each project were based on the mode/line percentages calculated in step one.
3. For each project, state and federal funding was multiplied by the ridership percentage. If the project resulted in a system-wide improvement, the ridership funding was multiplied by the system-wide ridership. This resulted in the per-project investment for low-income, non-low-income, minority, and non-minority passengers. These were summed by population across all projects to get the total investment for each population.
4. The investment per passenger for each of the populations was calculated by dividing the total investment by the total ridership.
5. Finally, the ratio of investments per passenger between minority and non-minority populations and between low-income and non-low-income populations was determined.

Results of the Analysis

Table 13 shows the total transit investments and percent of all transit investments for minority and non-minority passengers. The investment per passenger is shown in column five of Tables 13 and 14. Table 13 shows the total transit investments and percent of all transit investments for minority and non-minority passengers. Approximately 26.0 percent of the transit investments benefit minority riders, who consist of 34.0 percent of all public transit passengers within the MPO region. Although the investment per passenger for both low-income and minority populations is lower, compared to non-low-income and non-minority populations, respectively, this does not necessarily indicate that a disparate impact or disproportionate burden exists. The results should be compared over time to determine whether action by the MPO is necessary, and because this is a new analysis for the MPO, such a comparison is not yet possible. Additionally, the MPO plans to develop a DI/DB policy that determines whether the results of this analysis cause disparate impacts and disproportionate burdens.

Table 13
TIP Public Transit Investments by Minority Status

Population	Total Transit Investment	Pct. of Investment	Pct. of Passengers	Per Passenger Investment
Minority	\$742,979,926	26.0%	34.0%	\$4,045
Non-minority	\$2,119,704,091	74.0%	66.0%	\$5,936
Total	\$2,862,684,018	100.0%	100.0%	N/A

N/A = Not applicable or available.

Sources: Central Transportation Planning Staff; MBTA Systemwide Passenger Survey, 2008–2009.

Table 14 shows the total transit investments and percent of all transit investments for low-income and non-low-income passengers. Approximately 22.8 percent of the transit investments benefit minority riders, who consist of 28.5 percent of the all public transit passengers within the MPO region.

Table 14
TIP Public Transit Investments by Income

Population	Total Transit Investment	Pct. of Investment	Pct. of Passengers	Per Passenger Investment
Low-income	\$653,743,689	22.8%	28.5%	\$4,606
Non-low-income	\$2,208,940,328	77.2%	71.5%	\$6,218
Total	\$2,862,684,018	100.0%	100.0%	N/A

N/A = Not applicable or available.

Sources: Central Transportation Planning Staff; MBTA Systemwide Passenger Survey, 2008–2009.

3.4.3 Geographical Distribution of UPWP Investments

In the FFY 2017 UPWP, the MPO initiated a geographical assessment of the distribution of MPO-funded UPWP studies and technical support activities. (Appendix H contains the complete analyses for the FFYs 2017 and 2018 UPWPs.) It showed which communities in the region have been the subjects of MPO transportation studies or recipients of technical support. For each municipality, the assessment documented the population that is minority and low-income, the number of UPWP tasks that have occurred in each FFY since 2010 and the municipality's number of roadway miles.

The geographical assessment of the UPWP was revised slightly in the FFY 2018 UPWP, which contains additional TE data for each municipality, including the percent of the population that is minority or low-income, as well as the number of FFY 2018 UPWP studies. Not all municipalities have a study in any given FFY, but as the assessment that covers several years, it provides the MPO with a fuller picture of which municipalities that UPWP studies are and are not serving. Assessments for both FFYs excluded client-funded studies, which had a regional focus, and all work related to certification requirements and MPO administration, resource management, and support activities.

The assessments in the FFY 2017 and FFY 2018 UPWPs show how many studies each municipality and subregion has received. However, they do not identify which municipalities receive relatively more or less UPWP funding. Future assessments may address this issue, which could include analyzing the dollar amount spent per capita in each community, or the dollar amount spent per road mile. Other documentation could include the types of benefits that communities may receive from UPWP studies (such as congestion reduction), or the needs of communities, identified by either themselves, or the MPO's LRTP.

3.5 EQUITY IMPACTS ON MPO ACTIVITIES

The MPO consistently considers transportation equity when developing MPO-funded studies for the UPWP, programming projects in the TIP, and selecting projects for inclusion in the LRTP. These three documents are complementary and inform each other. For example, UPWP studies and technical support can inform the projects chosen to be in the TIP, as do the goals and objectives identified in the LRTP. Chapter 4 explains in detail how the MPO selects projects and studies for the UPWP, LRTP, and TIP, focusing on how transportation equity informs this process.

3.6 TRANSPORTATION EQUITY PUBLIC OUTREACH

The MPO's interdisciplinary TE program is the avenue through which the MPO considers the transportation needs of protected populations within the MPO region. Staff developed this program to enable the MPO to evaluate the transportation needs of these residents systematically and to incorporate these needs into the MPO's multi-faceted work. The program builds upon and evolves according to the results of previous transportation-planning work and current demographic data, and strives to conduct up-to-date analyses about and provide information to Title VI and EJ populations (although it is not limited to these populations). Results are incorporated into and inform the MPO's ongoing certification documents, as well as discrete studies completed by MPO staff.

The MPO's TE program has evolved over time to respond to the changing federal requirements that underpin the program and to the diverse needs of residents in the Boston region. Originally designed to serve populations protected under Title VI of the Civil Rights Act of 1964, the program now also includes low-income populations, LEP persons, the elderly, and people with disabilities, zero-vehicle households, and female-headed households with children.

The MPO implements the TE program through three ongoing activities:

1. Reaching out to protected populations and organizations that represent them to receive feedback on the MPO's activities, including during development of the LRTP, TIP, UPWP, and other MPO documents
2. Methodically considering demographic equity as a factor when selecting studies for the UPWP and projects for the LRTP and TIP
3. Analyzing potential impacts of projects selected for inclusion in the TIP and LRTP on populations in the TE program

The second activity is discussed in Chapter Four, while the third activity is discussed earlier in Chapter Three. The remainder of this chapter discusses the process that MPO staff undertakes to complete the first activity, public participation. (Activities specific to the LRTP, TIP, and UPWP are discussed separately in Chapter Four.) The public participation part of the TE program is carried out in concert with the MPO's public participation program; all of the public participation activities subsequently described are also cited in the MPO's Public Participation Plan (PPP) (Appendix G), which was updated in October 2014. The MPO has recently expanded its outreach and communications capacity, which will enable it to strengthen its TE program.

3.6.1 Communication Channels and Strategies

The MPO's communications strategy is multifold, as it makes use of several forms of communication, with the goal of reaching as much of the public and concerned organizations as possible. The MPO focuses on disseminating information about MPO board meetings; public outreach events; development or amendment of the LRTP, TIP, and UPWP; and opportunities for the public to submit comments.

MPO Website

The MPO's website is the main way the agency distributes information about MPO activities, documents, and opportunities for public input, and for posting notices of public outreach events. The website is a broad resource, providing information about upcoming MPO events, meeting minutes (including those of the MPO board and

Advisory Council), reports, and studies. It also contains extensive transportation data about the region, including *The State of Boston Region Transportation Dashboard*, which staff launched in 2017 to offer the public and stakeholders a visual representation of key transportation metrics in the region. The *Dashboard* was created in concert with the development of performance-based programming and planning (see section 4.5), and contains information about the region's demographics, among other metrics. Website users are also invited to submit comments to the MPO electronically and to sign up for the MPO email lists and *TRANSREPORT* blog updates.

The MPO has begun using Google Analytics to track how users interact with the website. For the purposes of the MPO's Title VI and TE programs, staff will, in FFY 2018, be able to identify the how many website visitors access accessible vital documents, download PDFs that are in languages other than English, and who view the website in languages other than English—including the exact pages they visit. Because the MPO has only recently begun systematically tracking and documenting this information, the results are not yet available. In concert with the MPO's other outreach efforts, these data will help the MPO to identify the public's translation and accessibility needs more precisely, and provide for them in a cost-effective way.

Accessibility

MPO staff post all documents on the website in both PDF and HTML formats to accommodate people with low or no vision. In addition, certification documents, MPO studies, informational materials, and notices may be obtained from the MPO in a variety of formats, including Braille and large-print. Members of the public may also requests meeting materials in accessible formats by email, telephone, fax, or US mail. The accessible versions of the MPO's vital documents are posted in HTML and may be translated with Google Translate.

Translations

In accordance with the MPO's LAP (Appendix D of this report), vital documents are translated into the three most commonly spoken non-English languages in the MPO region—Spanish, Chinese, and Portuguese. Vital documents include the notice of non-discrimination rights and protections to beneficiaries, complaint procedures, and complaint forms. In addition, the MPO has identified other vital documents to translate into Spanish, Chinese, and Portuguese. Currently, these include translations of the executive summaries of the MPO's three major transportation-planning documents: the LRTP, TIP, and UPWP. As resources allow, the MPO will also translate vital documents into Chinese (traditional) and French Creole. Meeting notices in the form of web banners on the MPO website are also translated. Additionally, the MPO website has an embedded Google Translate widget that allows visitors to the site to translate web pages (including the HTML versions of all posted documents) into more than 100 languages, which includes all of the 19 safe harbor languages in the region.

TRANSREPORT Blog

In December 2016, the MPO published its final *TRANSREPORT* newsletter in print format; it has since transitioned to a web-based blog format on the MPO website in order to provide information in a timelier manner. *TRANSREPORT* informs readers about upcoming MPO events, news, and transportation issues relevant to the region.

Public Notices

Staff provides notifications to the public in a variety of ways, including via the MPO website, press releases for newspapers, Twitter, the *TRANSREPORT* blog, and email lists. Staff is will translate the MPO's brochure that outlines our procedures and ways that members of the public may participate.

Email Lists

The MPO uses several email lists to notify interested parties about upcoming MPO meetings, document amendments, and other ways in which they may be involved in the MPO planning process. The MPO maintains six email lists: MPO Notices, MPO Meeting Reminders, Advisory Council Notices, Access Advisory Committee to the MBTA (AACT) Notices, *TRANSREPORT*, and Transportation Equity. Recently the email lists were overhauled and transferred to an email delivery service. Subscribers now can manage the lists to which they belong and customize the frequency of communications that they receive from the MPO more easily. The MPO can gauge the success of its messaging strategies better, and can respond to the needs and interests of subscribers more rapidly.

Subscribers to the transportation equity email list also benefit. The list disseminates information about upcoming MPO events, meetings, and other activities related to transportation equity at the MPO. Staff can now easily provide translations of emails to those who require it for announcements that the MPO deems vital, such as upcoming TIP and LRTP amendments and MPO meetings. As subscribers now have direct control over which email lists they subscribe to, those who may not be aware of the transportation equity list will have the opportunity to sign up. Combined, the email lists currently have approximately 3,036 subscribers, with the transportation equity list having about 366 subscribers.

Currently, to help LEP email recipients to stay informed of MPO activities, staff customize emails pertaining to vital documents and activities (such as, public comment periods) so that the email can determine whether the recipient's internet browser is set to Spanish, Portuguese, or Chinese; if it is, the email will be automatically translated into that language using professionally translated material that staff provides. This is a very resource-intensive effort, given the cost of translations and the

number of emails that the MPO sends. Staff intend to add to the MPO website's email list sign-up form an option for subscribers to select the language in which they would like to receive email communications. Based on the requests of email recipients, staff will decide for which languages email translations will be provided. To ensure that non-English language access is available, a link will be provided in every MPO email notifying recipients that they can receive translations upon request. This will reduce the burden on staff resources and time, while still allowing email recipients to receive translated emails if necessary.

Twitter

The MPO opened its official Twitter account in 2010 to improve its communication with the public. Staff uses Twitter regularly, largely to advertise upcoming public events, including MPO board meetings, public outreach events, non-MPO transportation-related events of interest, upcoming office hours with MPO staff, completion of transportation studies, and commendation that staff receives for its work. With 725 followers, the MPO's Twitter account has developed into a news source for transportation planning in the region. Meeting notices and links to other vital documents posted on Twitter also are translated. Given that these translations are not very resource-intensive, staff will continue to provide Twitter translations for key notices regarding vital documents.

3.6.2 Public Participation Strategies

The MPO takes a proactive approach to identifying transportation equity issues in the region, including identifying new contacts that represent or are involved in transportation equity; strengthening existing relationships; collecting, analyzing, and reporting relevant data and information about transportation equity in the region; and facilitating transportation equity populations' participation in the MPO's transportation-planning process. In addition, MPO staff provides administrative support to the Advisory Council and AACT.

Central to the success of the MPO's Public Participation Program is the development and maintenance of several contact databases, including one specifically for transportation equity contacts. These databases are used to inform the public about opportunities to become involved in developing the MPO's LRTP, TIP, and UPWP, as well as to invite contacts to participate in MPO-hosted events such as equity forums, surveys, or focus groups. The biggest challenge has been ensuring that attendees are representative of the region's diverse communities. The MPO plans to address this challenge by using these contact databases to identify potential partners for MPO-hosted events so that the MPO can expand its reach.

Further, while the MPO has found that most attendees of MPO-sponsored events hear of the event through email, there may be populations that have limited or no access to email and therefore are not represented at MPO events. So, under the public participation program, staff will explore the possibility of utilizing non-email communications such as paper advertisements. Conversely, the MPO has had success in ensuring that municipalities within the MPO are notified of and represented at MPO events. Switching to a new electronic communications tool, MailChimp has greatly facilitated this success, improving the regularity and comprehensiveness of the MPO's communications. The MPO's ongoing initiative is to increase the number of contacts in its transportation equity outreach database, strengthen partnerships with existing contacts, and ensure that the database represents the region's diversity.

Identifying New Contacts and Strengthening Current Relationships

MPO staff regularly identifies new community contacts involved in and knowledgeable about the transportation needs of transportation equity populations, many of whom are identified through the MPO's TE contact database. These contacts include social service organizations, cultural organizations, community development corporations, civic groups, transportation advocates, councils on aging, environmental groups; immigration services establishments, and civil rights organizations. The MPO's TE database tool tracks the types of organizations and which TE populations they represent. Using this tool, which is hosted in the cloud using Google Sheets and Google Fusion, staff can easily see which geographic regions these organizations belong to and which types of organizations are missing from the list. This enables staff to target outreach to organizations that may benefit from being informed of MPO activities and involved in the MPO planning process. In the past year, more than 30 organizations have been added to the TE contact database—which includes organizations that staff have identified as having missions that align with the MPO's transportation equity program, whether or not they have chosen to subscribe to the TE email list—several of which have been added to the TE email list and/or have met with MPO staff. These include Transportation for Massachusetts, MassMobility, Neponset Valley Regional Coordinating Council, and AARP.

To ensure that the MPO continues to expand this network, staff attend out-of-office meetings, conferences, other professional networking events, and follows up with new contacts to foster their continued engagement with MPO activities. These events often result in new contacts being added to the MPO's TE outreach database for ongoing involvement, as well as the transportation equity email list. As needed, staff schedules one-on-one meetings in order to identify areas of common interest and potential collaboration. The most successful of these have been those events with an interactive component—whether it's an opportunity for networking prior to a conference or a meeting that involves group discussions. Staff will continue to meet with organizations

that have been identified as key partners and who have the interest and capacity to further the transportation equity mission of the MPO. Future planned activities will include staff attendance at events that focus on the transportation concerns and needs of TE populations. For example, staff has attended and will continue to attend meetings of Massachusetts regional coordinating councils that are within the MPO region. Staff will also attend events as speakers or by tabling, as opportunities arise, in order to inform the public about opportunities for participation in the MPO's planning process. Finally, staff will also reach to organizations that they think would be interested in the MPO's work to inquire about attending one or more of their meetings.

Collecting and Reporting Information

MPO staff collects information about the transportation needs of Boston residents from a variety of data sources. The most important source of information is the United States Census Bureau, specifically the ACS and Decennial Census. Other data sources are being explored, such as education data from the Massachusetts Department of Elementary and Secondary Education regarding LEP students. MPO staff is committed to ensuring that data used in the TE program are the most up-to-date data available and that data analyses reflect best practices in transportation planning. In that regard, staff track and integrate innovations in transportation planning into the TE program regularly.

Staff also receives written and oral comments from the public as part of the TIP, LRTP, and UPWP public participation processes, as well as from specialized TE events and meetings. MPO staff interprets, summarizes, and classifies the needs identified by participants, and incorporates them into the MPO's TE program.

Facilitating Participation through the MPO's Planning Process

Perhaps the most substantial way for transportation equity populations and other members of the public to be involved is through the public outreach process of the MPO's LRTP, TIP, and UPWP. Members of the public have an opportunity to comment on these documents throughout their development; during this time, MPO staff holds public meetings throughout the region, hosts regular office hours (that is, open visiting hours), and provides an opportunity for written public comments upon completion of the draft documents. Details about this process for each of the three documents are described in Chapter Four.

Location-specific public outreach, such as public meetings, may be located in areas that have distinct language needs. Therefore, staff uses demographic data to identify other languages that the relevant meeting documents and notifications may need to be translated into. Additionally, MPO staff is tracking changes in languages in the region, and are committed to expanding translations to other, non-vital documents as

well as into other non-English languages beyond the three most commonly spoken as resources allow. Staff will continue to explore the possibility of providing translations of these documents in other languages. These translation policies are consistent with the MPO's public participation policies as identified in the MPO's PPP.

Making MPO and MPO-sponsored Meetings Accessible

The MPO makes all meetings accessible to people with disabilities and to those without access to a vehicle. All MPO-sponsored meetings are held in locations that are accessible to people with disabilities and are near public transportation. To ensure accessibility for people with disabilities, locations for meetings held outside of the State Transportation Building are selected based on the results of an on-site visit. As part of this review, MPO staff uses an accessibility checklist with a list of physical characteristics that are necessary to accommodate individuals with a variety of mobility and other disabilities.

Access Advisory Committee to the MBTA

For many years, MPO staff has provided administrative support to AACT, which is a consumer advocacy organization that strives to ensure that the public transit system in Boston is accessible, in accordance with the ADA. AACT is composed primarily of people with disabilities, seniors, and representatives of human service agencies. The MBTA is currently working with ACCT and another group of advocates who have been deeply involved in monitoring the settlement agreement with the Boston Center for Independent Living (BCIL), which committed the MBTA to undertaking major improvements to the accessibility of the system. It is anticipated that the two groups will merge to form a single organization. It is unclear whether or not MPO staff will continue to provide direct support to the new organization. However, staff will definitely maintain close contact with the group to better understand and serve the needs of the disability community in the Boston region.

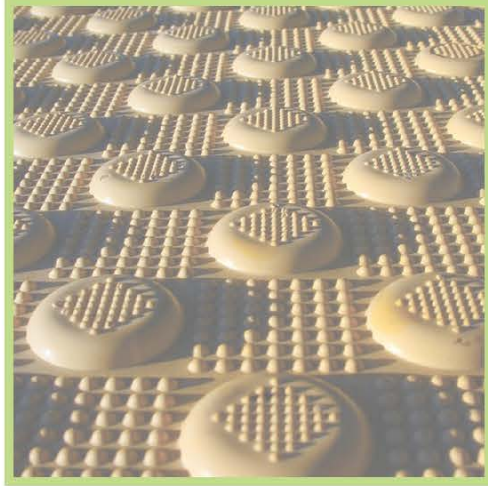
3.7 BUILDING STAFF CAPACITY

In 2015, the MPO hosted a National Transit Institute (NTI) Environmental Justice training course that several MPO staff members attended; and in 2017, the MPO's Transportation Equity Program manager participated in the two-day Advanced-Level Environmental Justice Workshop. In addition, those on staff with expertise related to environmental justice and Title VI regulations have led workshops for all staff to educate them about equity issues and how those issues relate to the work of the MPO. Further relevant staff trainings and workshops will build upon these efforts.

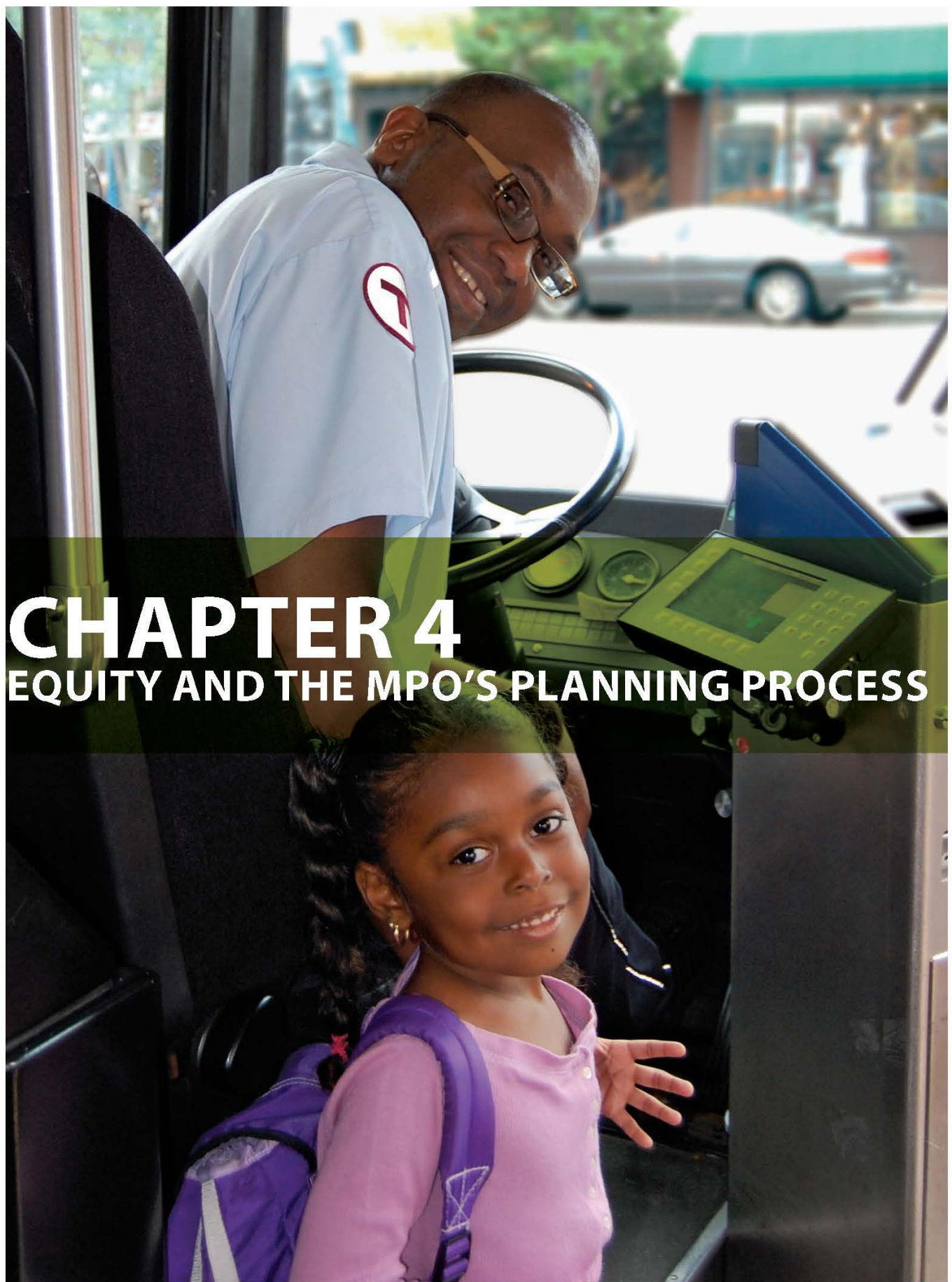
3.8 MPO-DETERMINED FOCUS AREAS

The MPO will continue to work to enhance its public outreach to TE populations and organizations that represent the transportation needs of these populations. Using the TE contact database tool, staff will be more systematic in their approach to TE outreach. The tool will be used to identify gaps in the contact list (for example, a lack of organizations representing the disability community or those representing Spanish language speakers) and to identify organizations that represent these populations and that might want to be informed by about the MPO's work. MPO staff will then reach out to these organizations to set up either one-on-one meetings or attendance at their regular member meetings. Staff will also continue to attend events such as conferences to help establish additional connections with TE organizations that are not represented in the TE contact database, and further integrate Title VI work with the MPO's public participation program. Staff will strengthen partnerships and conduct transportation equity-specific outreach to help inform TE populations about MPO activities and ways that they may participate in the planning process.

Staff will also continue to refine its equity analyses for the LRTP and TIP. In order to improve the effectiveness of these analyses, staff will undertake to efforts to refine current methods and develop novel approaches, with particular emphasis on off-model analyses. These efforts will enable the MPO to ensure that projects selected for inclusion in the TIP and LRTP do not cause disparate impacts or disproportionate burdens for minority and low-income populations, respectively.



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CHAPTER 4

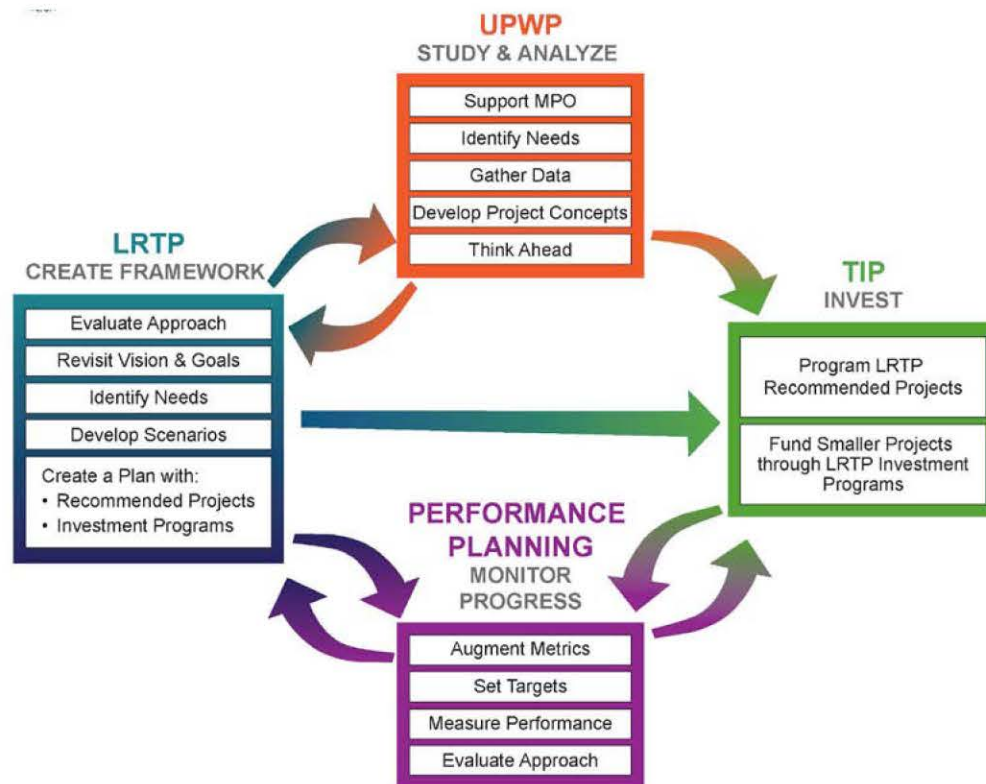
EQUITY AND THE MPO'S PLANNING PROCESS

4.1 INTRODUCTION

The purpose of this chapter is to provide an overview of the MPO's 3C planning process and to highlight how Title VI, EJ, and other non-discrimination mandates are incorporated into planning activities to engage and include diverse populations and perspectives.

Work for the metropolitan transportation-planning process is underway all year, largely centered on the three major certification documents that are developed on a regular schedule: the TIP, UPWP, and LRTP. The development of these documents follows established cycles as depicted in Figure 5, and includes significant public outreach at all stages. MPO staff makes the public aware of the opportunities to be involved with the planning process at the beginning of each federal fiscal year, highlighting key document development milestones and MPO actions. Additional opportunities for participation in the MPO's other programs, such as the TE program, occur throughout the year, as needed. In addition, project selection for all three documents reflects the goals of the MPO, one of which is to ensure equity, as it relates to Title VI, EJ, and other protected populations, in the selection of its projects.

Figure 5
Boston Region MPO Planning Process



For development of the current LRTP, *Charting Progress to 2040*, the MPO began to shift its transportation investment focus from large infrastructure projects to smaller-scale projects that emphasize public transit, walking, and bicycling. This new course reflects the reality of current fiscal constraints in the Boston region, as well as the transportation interests and needs of the area's residents to prioritize funding of a multimodal, sustainable transportation system. To that end, the MPO established a new overarching transportation vision for the future:

A modern transportation system that is safe, uses new technologies, provides equitable access, excellent mobility, and varied transportation options—in support of a sustainable, healthy, livable, and economically vibrant region.

Additionally, *Charting Progress to 2040* established six goals that serve as a guiding framework not only for selecting projects for the LRTP, but also for prioritizing TIP projects and developing studies for inclusion in the UPWP.

The six goals are:

- **Safety:** make all modes safe
- **System preservation:** maintain the system
- **Capacity management/mobility:** use existing facility capacity more efficiently and increase healthy transportation capacity
- **Clean air/clean communities:** create an environmentally friendly transportation system
- **Transportation equity:** provide comparable transportation access and service quality among communities, regardless of income level or minority population
- **Economic vitality:** ensure our transportation network serves as a strong foundation for economic vitality

These goals will steer the region toward its 2040 vision by helping the MPO prioritize studies in the UPWP and projects in the LRTP and TIP over the next 20-plus years. They will also help the MPO develop metrics with which to measure and track performance improvements in the transportation system.

4.2 UNIFIED PLANNING WORK PROGRAM PROCESS

The UPWP, published every year, describes how the Boston region's federal transportation-planning funds will be spent in a given FFY to ensure that the work undertaken by staff reflect the priorities of the MPO as expressed in the LRTP. The UPWP identifies funding that will be used to implement each component of the transportation-planning process that is required for certification, including the development of the LRTP, the TIP, and air quality conformity determinations. The UPWP also details discrete transportation-planning studies, ongoing programs, and technical assistance activities that are federally funded and performed by MPO staff. In addition, the Boston Region MPO's outlines all UPWP expenditures for support and administrative services and includes information on work performed by staff under contract to transportation agencies.

4.2.1 Study Selection

Each year, new studies are selected for funding in the UPWP. MPO staff develops a Universe of New Studies, from which final studies to be included in the UPWP are selected by the MPO's UPWP Committee. Ideas for the new studies are gathered from public events in the fall and winter of each year, including MAPC subregional meetings with municipal officials, as well as from the Advisory Council and the UPWP Committee. In addition, study ideas are generated from existing transportation issues documented in various other MPO and other state agencies' plans; FHWA and FTA planning emphasis areas; public comment letters; consultations with MassDOT, MBTA, and the Metropolitan Area Planning Council; and MPO staff-identified needs.

Each proposed study in the Universe of New Studies is evaluated based on the following criteria:

- Focus on LRTP goal areas: which of the six LRTP goal areas a study addresses
- Study scale: whether a study primarily affects one or two specific communities in the region or the region as a whole
- Time frame and type of impact: whether a study results in research findings, low-cost/short-term implementation of improvements, or long-term implementation of improvements
- Connection to existing work: whether a study furthers analyses developed from a previous study
- Continuing or new study: whether a study is being continued, or is a new idea that has never been undertaken by the MPO

In the spring the draft of the UPWP is released for 30-day public review and comment period. The document is available on the MPO website and staff provides notice of its availability through its several communications outlets. (For the FFY 2018 UPWP, the public comment period was amended to 21 days. The length of the public comment period will be revisited by the MPO for FFY 2019. See Appendix G for the text of this amendment in the Public Participation Plan.)

4.2.2 UPWP Studies that Address Title VI and/or Environmental Justice Transportation Needs

The MPO regularly selects studies for inclusion in the UPWP that address transportation needs of Title VI and EJ populations. The following is a list of studies and MPO work programs that have been funded in the past three years:

- **Transportation Equity/Environmental Justice Support (funded on an ongoing basis):** Identifies and addresses the concerns of a wider range of EJ and other protected populations that have been traditionally under-represented in the transportation-planning process and underserved by the transportation system through data analysis, public outreach, and 3C document support
- **Boston Region MPO Title VI Reporting (funded on an ongoing basis):** Develops and implements a program that demonstrates the MPO's compliance with the FTA and FHWA Title VI/non-discrimination reporting requirements
- **Access Advisory Committee to the MBTA Support (funded on an ongoing basis):** The MPO provides ongoing support to AACT, an MBTA user group representing people with disabilities. AACT advises the MBTA on accessibility matters related to the MBTA's fixed-route services and THE RIDE paratransit service for people with disabilities.
- **Foxborough JARC Transit Feasibility Study (funded in FFY 2015):** Studied the need for, and the feasibility of, transit services that would serve reverse commuters traveling to and from Foxborough's train station, specifically people with low-incomes
- **Addressing Safety, Mobility, and Access on Subregional Priority Roadways (funded in FFYs 2015 and 2016):** Identified priority arterial roadway segments in the MPO region, emphasizing issues cited by the relevant subregional groups, and developed recommendations.
- **Title VI Service Equity Analysis (Phases I and II) (funded in FFYs 2015 and 2017):** Developed an improved methodology for conducting Title VI service equity analyses to measure the amount of transit opportunity provided to a Census tract, and employed this methodology on a full-scale model of the MBTA bus and rapid transit system.

- **Identifying Opportunities to Alleviate Bus Delay (funded in FFY 2016):** Identified roadway locations where MBTA bus routes regularly experience significant delays and identified causes of the delays.
- **Pedestrian Level of Service Metric Development (funded in FFYs 2016 and 2017):** Developed a pedestrian level-of-service index, which measures the extent to which infrastructure supports pedestrian travel and comfort.
- **Systemwide Title VI/Environmental Justice Assessment of TIP Projects (funded in FFYs 2016 and 2017):** Developed a method to evaluate the benefits and burdens of TIP highway investments for minority and low-income populations.
- **Using General Transit Feed Specification Data to Find Shared Bus Route Segments with Excessively Irregular Headways (funded in FFY 2017):** Analyzed the distribution of headways at bus stops over time and documented the reasons behind any irregularities in the existing schedule compared to General Transit Feed Specification data.
- **Safety Effectiveness of Safe Routes to School Programs (funded in FFY 2017):** Investigated effectiveness of the Safe Routes to School program and the primary factors contributing to its efficacy.
- **First- and Last-mile Shuttle Partnership Models (funded in FFY 2018):** Will investigate potential partnership models for first- and last-mile transit shuttles and identify the most promising models for the purposes of including these services in the MPO's TIP.
- **Low-cost Improvements to MBTA Service (funded in FFY 2018):** Will examine the transit system within the MPO and identify locations where inadequate service occurs as a result of inefficient passenger queuing, loading, or wayfinding, and suggest low-cost solutions.

4.3 TRANSPORTATION IMPROVEMENT PROGRAM PROCESS

Every year, the Boston Region MPO develops a TIP that programs transportation investments over the next five-year period. Three TIPs were finalized within the time frame of this triennial report: FFYs 2015–2018, FFYs 2016–2020, and FFYs 2017–2021. TIP project selection is guided by the MPO's vision, goals, and objectives stated in the LRTP: prioritizing investments that preserve the current transportation system in a state of good repair, providing safe transportation options for all modes, enhancing livability for residents, and improving mobility throughout the region. Additionally, the TIP often implements recommendations from past studies or reports that were

funded through the UPWP. In this way, the three planning documents work together to achieve the MPO's vision for the region's transportation network in a cohesive and comprehensive manner.

Each year, the MPO considers additional projects for funding. To select which projects will be funded with the MPO's discretionary funds, the MPO uses a set of project evaluation criteria, which are linked to the six LRTP goals, to identify and prioritize projects that advance the MPO's vision; one of the criteria categories is transportation equity. The remainder of this section describes how projects are selected for the TIP, focusing on the role that transportation equity plays in the selection process.

4.3.1 TIP Development and Project Selection

Public Outreach and Data Collection

Public outreach for the development of each new TIP begins in late fall when MPO staff notifies the 101 municipalities in the region of the start of the TIP development process and asks them to identify projects to be considered for funding. During that time, staff attends meetings in each of the MPO's subregions to inform municipalities and the public about the TIP process and to gather project feedback. MPO staff then compiles applicable project funding requests into a Universe of Projects list, which, when finalized, is released to the public and municipalities for their feedback. The list includes projects that have been initiated through the MassDOT project development process and have reached a design stage where there is enough information available for MPO staff to evaluate the projects. To ensure that project information is current and accurate, MPO staff coordinates with municipal and TIP contacts to update information for each project in the MPO's online TIP project database, which provides information about estimated cost, development status, and contribution of the project to the MPO's goals.

Project Evaluation

Staff uses the MPO's TIP evaluation criteria to choose which projects from the Universe of Projects to recommend for programming in the TIP. Criteria are divided into six categories, which are the same as the six LRTP goals. A project can earn a range of points from each criterion (the maximum number of points is 134), based on the planned design of the project. A project's evaluation score is one of several important factors that help MPO members understand the priority of projects and decide which to program for funding. The transportation equity criteria assess whether a project serves one or more EJ, Title VI, and other protected populations, as well as whether it creates a burden on these populations. A total of 12 points is possible.

The transportation equity criteria are:

- Serves minority population
 - o High concentration: more than 2,000 people (+2 points)
 - o Low concentration: 200–2,000 people (+1)
- Serves low-income households
 - o High concentration: more than 2,000 households (+2)
 - o Low concentration: 200–2,000 households (+1)
- Serves limited-English proficiency population
 - o High concentration: more than 1,000 people (+2)
 - o Low concentration: 200–1,000 people (+1)
- Serves elderly population
 - o High concentration: more than 2,000 people (+2)
 - o Low concentration: 200–2,000 people (+1)
- Serves zero-vehicle households
 - o High concentration: more than 1,000 households (+2)
 - o Low concentration: 200–1,000 households (+1)
- Serves people with disabilities
 - o High concentration: more than 1,000 people (+2)
 - o Low concentration: 200–1,000 people (+1)
- Does not serve Title VI or non-discrimination populations (+0)
- Creates a burden for Title VI/non-discrimination populations (-10)

The thresholds used to identify these populations are those described in Chapter Three's demographic profiles. They are updated as new ACS and Decennial Census data become available. TIP criteria were recently updated to reflect the MPO's priorities identified in the LRTP, *Charting Progress to 2040*. When the criteria will next be updated has not been determined. At that time, staff will consider the outcomes of the equity analyses, public outreach, and other results of its transportation equity program when developing new transportation equity criteria to ensure projects selected for the TIP reflect the MPO's transportation equity goals and objectives.

Staff Recommendations and Draft TIP

MPO staff uses the evaluation ratings and project readiness information to prepare a First-Tier List of Projects, which includes all the information that staff will consider when selecting projects for the TIP. This includes evaluation results, inclusion in the LRTP, geographic distribution of investments, fiscal constraints, and project readiness.

Public Review and Endorsement

After approval by the MPO board, staff releases the draft TIP for a 30-day public review and comment period. Members of the public, government officials, and other stakeholders are invited to review and comment on the proposed program. After the comment period ends, the MPO reviews all comments and makes changes to the document as appropriate. The MPO board then endorses the TIP and submits it to FHWA and the FTA for federal approval by the end of the FFY, September 30.

4.3.2 Analysis of Benefits and Burdens

In FFY 2017, MPO staff undertook a UPWP study to develop an analysis of the TIP that determines whether TIP projects in the aggregate cause disparate impacts or disproportionate burdens to minority and low-income populations, respectively. This process is described in detail in Chapter Three.

4.4 LONG-RANGE TRANSPORTATION PLAN PROCESS

The LRTP states the MPO's transportation policies and goals and lays out a program for preserving and expanding the region's transportation system for a 20-year-plus period. It is fiscally constrained so the MPO must select projects that best reflect both the goals of the MPO and the region's transportation needs.

4.4.1 LRTP Development and Project Selection

Goals and Objectives

The Boston Region MPO approved *Charting Progress to 2040* in 2015. The plan focuses on six goals described in the beginning of this chapter. These goals and their related objectives steer the region toward its transportation vision by helping the MPO to prioritize studies in its UPWP and projects in its TIP. These same goals and objectives will help the MPO develop metrics with which to measure and track performance of the regional transportation system.

Under the LRTP's Transportation Equity goal, three objectives were established:

- Target investments to areas that benefit a high percentage of low-income and minority populations
- Minimize any burdens associated with MPO-funded projects in low-income and minority areas
- Break down barriers to participating in MPO decision-making

Charting Progress to 2040 represents a major departure from previous LRTPs completed by the MPO. The MPO re-evaluated its past practices to ensure that the LRTP reflects the MPO's revised vision. By doing so, the MPO moved away from programming large-scale capital projects to reduce congestion; instead, it set aside more funding for smaller operations-and-management (O&M) roadway improvements to manage roadway capacity for projects that support bicycling, pedestrians, and transit.

Needs Assessment

After identifying the goals and objectives that would guide the LRTP, MPO staff assessed the region's transportation needs based on an inventory of its transportation issues. Among those identified in the realm of transportation equity were coordination of transportation services, transit service improvements, and improved intermodal connections.

Scenario Planning

The third step in the LRTP planning process was to analyze the transportation investments that the MPO should make between 2015 and 2040. Staff undertook analyses of three future scenarios—current investment patterns, O&M investments, and high-capital investments—to shed light on their relative merits. Ultimately, the O&M investments scenario proved to be most beneficial to the region. Within that scenario, 180 projects would be located in Title VI areas.

Project Selection

The final step was to select projects and programs to include in the LRTP. As with the TIP, staff compiled a Universe of Projects and Programs, a comprehensive list of potential highway and transit projects that could be included in the final LRTP.

Each was associated with one of the six program areas of the O&M investments scenario:

- Intersection improvements
- Complete Streets
- Bicycle network and pedestrian connections
- Community transportation and parking
- Major infrastructure
- Transit

Priority was given to O&M programs and projects beginning in the FFYs 2021–2026 time band of the LRTP, after the existing TIP commitments had been funded. Final selection of projects by the MPO was based on information gleaned through the LRTP development process, including: the regional needs assessment, scenario planning process, project studies (such as, modeling work, environmental impact statements), and public feedback from the LRTP public outreach process.

4.4.2 Public Outreach

The MPO sought to break down barriers to participation for people who have historically had limited involvement in development of the LRTP, including minorities, low-income persons, people with disabilities, and those with limited English proficiency. Public outreach targeted individuals and organizations that represented the interests of these populations, including social service organizations, community development corporations, civic groups, environmental groups, EJ and civil rights groups, and the state's regional coordinating councils. The MPO maintains a list of these contacts, and regularly provides them with general information about the MPO, and informs them about specific ways they can be involved in the MPO's transportation-planning process.

Initial public outreach for the LRTP began in 2014 with a series of public meetings to solicit comments on the MPO's revised PPP, held in areas with a large number of LEP, minority, and low-income residents. These meetings set the stage for LRTP-specific public outreach. Subsequent emails kept attendees and other contacts apprised of all opportunities for participation in LRTP events and public outreach efforts. Events included public meetings, workshops, and forums throughout the year-and-a-half preceding the MPO's endorsement of the LRTP, where transportation equity was a major topic of discussion. Notices for all MPO-sponsored public meetings were translated into the three most widely spoken non-English languages in the MPO region: Spanish, Portuguese, and Chinese.

4.4.3 Disparate Impact/Disproportionate Burden Analysis

Charting Progress to 2040 includes equity analyses of the set of projects included in the LRTP. MPO staff used the regional travel demand model to perform two types of equity analyses—accessibility/mobility and congestion/air quality—to determine whether low-income and minority populations would be subject to disproportionate burdens or disparate impacts, respectively. (These are described in more detail in Chapter Three and in Appendix F of this report.) MPO staff continuously examines, and updates when necessary, this analytic methodology, ensuring that it reflects best practices in the transportation-planning field.

4.5 PERFORMANCE-BASED PLANNING AND PROGRAMMING

Moving Ahead for Progress in the 21st Century's (MAP-21) introduced the requirement that MPOs implement performance-based planning and programming (PBPP) practices, including performance measures and targets to track and report on progress toward regional transportation goals and objectives. The Boston Region MPO's transition to PBPP is currently underway. It is an ongoing process and will continue to evolve as the MPO monitors and evaluates its progress. As one of the MPO-wide goals, transportation equity is part of the MPO's PBPP. Staff tracks transportation investments in minority and low-income communities to ensure that all areas of the region benefit from the programming of federal dollars.

One of the initiatives undertaken in support of performance based planning is the development of a performance dashboard. The web-based dashboard includes several types of transportation data, including demographics for TE populations; bicycle infrastructure; pavement and bridge conditions; and roadway congestion. Presently, the demographic data only reflects the latest figures; in the future, the MPO anticipates updating it to include information from past years, and, as appropriate, other equity-related data. As the dashboard evolves, its underlying data will be updated and data for new performance measures will be added.

4.6 PUBLIC PARTICIPATION PLAN

The PPP describes the MPO's Public Participation program, which comprises the various public outreach and communications activities in which the MPO engages to ensure that all members of the public are given the opportunity to participate in the metropolitan transportation-planning process. The PPP specifically identifies ways in which the MPO promotes participation among populations that have been historically underserved by the transportation system and/or have lacked access to the decision-making process. The PPP guides the MPO's efforts to offer early, continuous, and meaningful opportunities for the public to help identify social, economic, and environmental impacts of proposed transportation policies and projects. The vision and goals of the program are integrated with the certification activities—TIP, UPWP, and LRTP—that the MPO undertakes.

The MPO has established a vision that guides its public participation efforts in the region: to hear, value, and consider—throughout its planning and programming—the views of and feedback from the full spectrum of the public, and use this input in its decision-making. In support of this vision, the MPO has established a number of public participation guidelines.

The MPO makes every effort to:

- Provide a predictable, easy-to-understand process
- Offer information that is clear, concise, current, and easily available
- Make use of visualization techniques to enhance understanding
- Cast a wide and inclusive net to invite participation of interested parties and the general public: bolster public outreach to minority, low-income, elderly, and youth communities, the LEP population, and people with disabilities
- Respond to participants' interests, views, and need for information
- Arrange convenient, timely, and meaningful opportunities for involvement
- Respect the view offered by members of the public: utilize these opinions, and other information offered, in programming and planning
- Promote respect among all participants
- Create a framework that encourages constructive contributions by members of the public to the work and decisions made by the MPO
- Allow flexibility in the program
- Remain open to adopting new avenues of communication
- Explore strategies for connecting with people who do not use or don't have ready access to computers
- Maximize effectiveness by coordinating with partner agencies and their public outreach activities
- Embrace, as feasible, new technologies with which to engage the public in an interactive way

Some of the MPOs efforts that are described in the PPP are also described within this report. Chapter Three discusses how the MPO's public outreach and communication efforts are applied specifically to EJ and Title VI populations. Additionally, the PPP describes the public participation schedule for the MPO transportation-planning processes, which are summarized in this report's Chapter Four. The MPO updated the PPP most recently in 2014; followed by an amendment in 2017; it is included in Appendix G of this report.



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